

**Mkhondeni Stream Catchment Area Strategic Environmental  
Assessment: An Examination of Governance Processes with  
Particular Reference to Public Participation**

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## DECLARATION

The work described in this dissertation was carried out in Pietermaritzburg during the period August 2007 to August 2008, under the supervision of Prof. R. Fincham from the Centre for Environment, Agriculture and Development (CEAD), University of KwaZulu-Natal, Pietermaritzburg campus.

This dissertation represents original work by the author and has not been submitted in any form, in part or in whole, to any other University. The use of work done by others has been duly acknowledged in the text.

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As the candidate's supervisor I have / have not approved this dissertation for submission.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Professor RJ Fincham

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## **Abstract**

In recent years within South Africa, good governance has become a governmental goal with sound public participation processes becoming a core element of good governance practices. As a result of this goal, most decision-making tools have an element of public participation within them: a Strategic Environmental Assessment (SEA) is one such tool. This study aimed to examine the governance processes within the draft Mkhondeni Stream Catchment (MSC) area SEA with particular reference to public participation. Five objectives were conceived to achieve this aim. The first objective involved an examination of the public participation processes as articulated by the legislation. The second objective involved an examination of the public participation processes of the draft MSC area SEA. The third objective was to determine whether the ‘deliberation’ or public participation process was adequate. The fourth objective was to investigate how the draft MSC area SEA was framed and reframed by key stakeholders. The fifth and last objective of this study was to reflect on the public participation process and how it may be strengthened.

Against the background of a focused literature review on good governance practices, public participation and SEAs, the fieldwork undertaken involved a qualitative approach using key informant interviews and random community member’s interviews. The key informant interviews were held with what are widely considered to be the key stakeholders within the MSC area SEA process. Random interviews were held with Ashburton community members to add value to this study by allowing for a wider perspective from general community members to be understood.

There were 5 objectives that are set out for this study and they were achieved. Objective 1 is achieved through an examination into the public participation processes as articulated by the Provincial Department of Environmental Affairs and Tourism (DEAT) and legislation. The findings reveal that there is sufficient legislation and processes with regards to public participation in terms of Environmental Impact Assessments (EIAs); however it is noted that there is a lack of clarity with regards to the public participation processes and legislation within the SEA process and at present there are only recommendations for best practice. Objective 2 and 3 are achieved as they dealt with the understanding and adequacy of the public participation processes within the draft Mkhondeni SEA. The findings generated allow for the public participation methods and process used to be noted and in relation to the methods and process used the public participation process was deemed to be inadequate as it did not meet the minimum requirements stipulated by legislation in terms of public participation within an environmental assessment as well as the recommendations for best practice. Objective 4 is achieved by

investigating how the draft SEA is framed by the key stakeholders. Out of the results the emerging themes that were identified within this study were that of:

- (a) Misrepresentation of the community by the Preservation of the Mkondeni Mpushini Biodiversity Trust (PMMBT);
- (b) the SEA being viewed as a learning process in which a lack of clarity emerged amongst interested and affected parties (I & APs) about the exact process that needed to be carried out to achieve the SEA;
- (c) a lack of trust in the government to take the comments of the community into consideration;
- (d) the importance of education within society about environmental tools, such as the SEA, and their uses; and
- (e) the need for social development to be considered alongside environmental concerns within the Ashburton area.

And lastly, objective 5 is achieved as the public participation process within the draft SEA is reflected upon and recommendations are made. These recommendations deal with the following: (1) Involvement in the Formulation of the ToR, (2) Identification of I & APs, (3) Feedback, (4) Capacity Building and Education needs and (5) Management of the SEA Process.

The intention of the researcher is that the knowledge derived from engaging with interviewees and from researching relevant literature will be used to improve future decision-making processes with the overall aim of improving the relationship between the relevant authorities and communities affected by so-called development.

<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
<b>DECLARATION</b>	ii
<b>ACKNOWLEDGEMENTS</b>	lii
<b>ABSTRACT</b>	Iv
<b>LIST OF BOXES</b>	Ix
<b>LIST OF FIGURES</b>	Ix
<b>LIST OF TABLES</b>	Ix
<b>LIST OF APPENDICES</b>	Ix
<b>LIST OF ABBREVIATIONS</b>	X
<b>KEY DEFINITIONS</b>	Xii
 <b>1 INTRODUCTION</b>	 1
1.1 STUDY AREA	1
1.2 MOTIVATION FOR STUDY	3
1.3 AIM	3
1.4 OBJECTIVES	3
1.5 OUTLINE OF CHAPTERS	4
 <b>2 LITERATURE REVIEW</b>	 5
2.1 INTRODUCTION	5
2.2 GOVERNANCE	5
2.2.1 WHAT IS GOVERNANCE?	5
2.3 PUBLIC PARTICIPATION	8
2.3.1 WHAT IS PUBLIC PARTICIPATION?	8
2.3.2 CORE PRINCIPLES FOR BEST PRACTICE PUBLIC PARTICIPATION	9
2.3.3 CHALLENGES WITHIN PUBLIC PARTICIPATION	10
2.3.4 THE NEGATIVE IMPACTS OF PUBLIC PARTICIPATION	12
2.3.5 TYPES OF PUBLIC PARTICIPATION	12
2.3.6 PUBLIC PARTICIPATION METHODS	16
2.3.7 OPPORTUNITIES WITHIN THE EXISTING ADMINISTRATIVE SYSTEM FOR PUBLIC PARTICIPATION	16
2.4 SOCIAL MOVEMENTS E.G. PRESERVATION OF THE MKHONDENI	17

MPUSHINI BIODIVERSITY TRUST (PMMBT)	
2.5 FRAMING AND REFRAMING OF THE MSC AREA SEA	17
2.6 ENVIRONMENTAL ASSESSMENT	18
2.6.1 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)	18
2.6.2 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)	19
2.6.2.1 WHAT IS A SEA?	19
2.6.2.2. OBJECTIVES AND BENEFITS OF SEA	19
2.6.2.3 KEY ELEMENTS OF A SEA PROCESS	21
2.6.2.4 RECOMMENDED BEST PRACTICE FOR AN SEA	23
2.6.2.5 THE DIFFERENCE BETWEEN SEAS AND EIAS	26
2.6.2.6 SEA IN SOUTH AFRICA	26
2.7 CONCEPTUAL FRAMEWORK FOR THIS STUDY	27
2.8 SUMMARY	29
<b>3. METHODOLOGY</b>	<b>31</b>
3.1 INTRODUCTION	31
3.2 INTENSIVE RESEARCH DESIGN (QUALITATIVE APPROACH)	31
3.3 QUALITATIVE DATA ANALYSIS	32
3.4 PRIMARY DATA SOURCES	32
3.4.1 KEY INFORMANT INTERVIEWS	33
3.4.2 SITE VISIT	35
3.5 SECONDARY DATA SOURCES	36
3.5.1 NEWSPAPER ARTICLES	36
3.5.2 LITERATURE EXAMINATION	36
3.6 SAMPLING	36
3.7 LIMITATIONS OF THE STUDY	37
3.8 SUMMARY	38
<b>4 ANALYSIS OF RESULTS</b>	<b>39</b>
4.1 INTRODUCTION	39
4.2 SEA AND PUBLIC PARTICIPATION LEGISLATION	40
4.3 THE PUBLIC PARTICIPATION PROCESS WITHIN THE MSC AREA SEA	42
4.3.1 DIRECT CONSULTATION	42

(A) THE ROLE OF THE STEERING COMMITTEE	42
(B) PUBLIC MEETINGS	43
4.3.2 INDIRECT CONSULTATION	44
(A) ADVERTISEMENTS	44
(B) COMMENT ALLOWANCE	45
(C ) PRINT MEDIA PUBLICITY	45
4.4 DETERMINATION OF WHETHER THE DELIBERATION OR PUBLIC PARTICIPATION PROCESS WAS ADEQUATE	46
4.4.1 ORGANISED REPRESENTATION OR FORMALLY CONSTITUTED ORGANISATIONS	46
4.4.2 A RANDOM SURVEY OF THE COMMUNITY	48
4.4.3 FLEXIBILITY REGARDING PARTICIPATION WITHIN THE SEA PROCESS	50
4.4.4 TRUST	51
4.5 THE FRAMING AND REFRAMING OF THE DRAFT MSC AREA SEA	53
4.5.1 LACK OF CLARITY ON A SEA AND ITS PROCESS	54
4.5.2 LEARNING PROCESS	55
4.5.3 TRUST	56
4.5.4 EDUCATION	59
4.5.5 SOCIAL NEED	59
4.6 SUMMARY	60
<b>5 CONCLUSION AND REFLECTIONS ON THE PUBLIC PARTICIPATION PROCESS</b>	62
5.1 INTRODUCTION	62
5.2 REFLECTIONS ON RESULTS FOUND THROUGH THIS STUDY	62
5.3 RECOMMENDATIONS ON HOW THE PUBLIC PARTICIPATION PROCESS MIGHT BE STRENGTHENED	64
<b>6 REFERENCES</b>	68
<b>7 APPENDICES</b>	76



	<b>Page No.</b>
<b>List of Boxes</b>	
<b>Box 1</b> - Various definitions assigned to governance	6
<b>Box 2</b> – The various definitions of a SEA	20
<b>Box 3</b> - SEA performance criteria (IAIA 2001)	25
<b>List of Figures</b>	
<b>Figure 1</b> – Study Area	2
<b>Figure 2</b> - A French student poster	11
<b>Figure 3</b> - Ladder of citizen participation	13
<b>Figure 4</b> - Stakeholder engagement spectrum (IAP2 2000)	14
<b>Figure 5</b> - Conceptual framework used within this study	28
<b>Figure 6</b> - The adequacy of public participation within the SEA	52
<b>Figure 7</b> - The level of understanding in relation to framing of the SEA	54
<b>Figure 8</b> – The IAP2 public participation spectrum	58
<b>List of Tables</b>	
<b>Table 1</b> - Examples of common approaches to stakeholder engagement (Chambers 1997)	15
<b>Table 2</b> - SEA main procedural steps (UNECE Task Force 1992)	22
<b>Table 3</b> - The difference in emphasis between an EIA and SEA	26
<b>Table 4</b> - The semi-structured interviews conducted for this study	34
<b>List of Appendices</b>	
<b>Appendix A</b> – The differentiating of responsibilities for different role-players in the stakeholder engagement process (DECAS 2001)	76
<b>Appendix B</b> - The principles, their implications and key questions for SEA (DEAT and CSIR)	78
<b>Appendix C</b> - Interview Schedule	80

## LIST OF ABBREVIATIONS

<b>BEE</b>	Black Economic Empowerment
<b>CBDM</b>	Consensus Based Decision-Making
<b>CEAD</b>	Centre for Environment, Agriculture and Development
<b>CSIR</b>	Council for Scientific and Industrial Research
<b>DAEA</b>	Department of Agriculture and Environmental Affairs
<b>DEAT</b>	Department of Environmental Affairs and Tourism
<b>DEA</b>	Department of Environmental Affairs
<b>DECAS</b>	Digital Essex Customer Administration Service
<b>DFA</b>	Development Facilitation Act
<b>DP</b>	Department of Planning
<b>DWAF</b>	Department of Water Affairs and Forestry
<b>ECA</b>	Environmental Conservation Act
<b>EIA</b>	Environmental Impact Assessment
<b>EKZNW</b>	Ezemvelo KwaZulu Natal Wildlife
<b>EMF</b>	Environmental Management Framework
<b>I &amp; APs</b>	Interested And Affected Parties
<b>IAIA</b>	International Association For Impact Assessment
<b>IAP</b>	International Association For Public Participation
<b>ICLEI</b>	International Council For Local Environmental Initiatives
<b>IDRC</b>	International Development Research Council
<b>IDP</b>	Integrated Development Planning
<b>IEM</b>	Integrated Environmental Management
<b>MRC</b>	Mekong River Commission
<b>MSC</b>	Mkhondeni Stream Catchment
<b>NEMA</b>	National Environmental Management Act
<b>NGO</b>	non-governmental organisation
<b>OECD</b>	Organisation for Economic Cooperation and Development
<b>PMMBT</b>	Preservation of The Mkhondeni Mpushini Biodiversity Trust
<b>PLA</b>	Participatory Learning and Action
<b>PRA</b>	Participatory Rural Appraisal
<b>SEA</b>	Strategic Environmental Assessment
<b>ToR</b>	Terms of Reference
<b>UNECE</b>	United Nations Economic Commission For Europe

**UNDP** United Nations Development Programme

**WWF** World Wildlife Fund

<b>Key Definitions</b>	
<b>Community</b>	The people living in one locality (Collins Concise Dictionary 2001).
<b>Deliberative Policy Making</b>	Concerned with the ways in which different stakeholders deliberate or debate controversial issues to produce a decision (Hajer and Wagenaar 2003).
<b>Democracy</b>	Government by the people or their elected representatives (Collins Concise Dictionary 2001).
<b>Expansive Democracy</b>	The ongoing deepening of democracy in society (Hajer and Wagenaar 2003).
<b>Governance</b>	Governance refers to the process whereby elements in society wield power and authority, and influence and enact policies and decisions concerning public life, and economic and social development. Governance is a broader notion than government. Governance involves interaction between these formal institutions and those of civil society. (International Institute of Administrative Sciences in Weiss 2000: 4)
<b>Government</b>	The exercise of political authority over the actions, affairs, etc. of a political unit, people, etc.; the action governing, political rule and administration (Collins Concise Dictionary 2001).
<b>Group</b>	A number of persons bound together by common social standards, interests, etc (Collins Concise Dictionary 2001).
<b>Individual</b>	A single person (Collins Concise Dictionary 2001).
<b>Interest Group</b>	A section of a community, etc. whose members have common aims and who are organised to seek to influence political decisions (Collins Concise Dictionary 2001).
<b>Interested And Affected Parties (I &amp; APs)</b>	Individuals, communities or groups, other than the proponent or the authorities, whose interests may be positively or negatively affected by a proposal or activity and/or who are concerned with a proposal or activity and its consequences. These may include local communities, investors, business associations, trade unions, customers, consumers and environmental interest groups. The principle that environmental consultants and stakeholder engagement practitioners should be independent and unbiased excludes these groups from being considered stakeholders (DEAT 2004).
<b>Participatory Democracy</b>	Is a process emphasizing the broad participation (decision making) of constituents in the direction and operation of political systems (Hajer and Wagenaar 2003).
<b>Public</b>	Ordinary citizens who have diverse cultural, educational, political and socio-economic characteristics. The public is not a homogeneous and unified group of people with a set of agreed common interests and aims. There is no single public. There are a number of publics, some of whom may emerge at any time during the process depending on their particular concerns and the issues involved (DEAT 2004).
<b>Public Participation</b>	The involvement of individuals and groups that are positively or negatively affected by, or that are interested in, a proposed project, programme, plan or policy that is subject to a decision-making process (Andre <i>et al.</i> 2006)
<b>Populace</b>	Local inhabitants, the common people (Collins Concise Dictionary 2001).
<b>Stakeholders</b>	A sub-group of the public whose interests may be positively or negatively affected by a proposal or activity and/or who are concerned with a proposal or activity and its consequences. The term therefore includes the proponent, authorities (both the lead authority and other authorities) and all I & APs. The principle that environmental consultants and stakeholder engagement

	practitioners should be independent and unbiased excludes these groups from being considered stakeholders (DEAT 2004).
<b>Stakeholder Engagement</b>	The process of engagement between stakeholders (the proponent, authorities and I & APs) during the planning, assessment, implementation and/or management of proposals or activities. The level of stakeholder engagement varies depending on the nature of the proposal or activity as well as the level of commitment by stakeholders to the process. Stakeholder engagement can therefore be described by a spectrum or continuum of increasing levels of engagement in the decision-making process. The term is considered to be more appropriate than the term “public participation” (DEAT 2002).
<b>Strategic Environmental Assessment (SEA)</b>	Complementary and precedes an EIA and is carried out in order to determine alternatives and directions of policies, plans and programmes which can be used to assess a proposed policy, plan or programme that has already been developed, or it may be used proactively in advance in the process of formulating these policies, plans or programmes (Nicolson 2006).
<b>Sustainable Development</b>	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It comprises three constituent parts: environmental sustainability, economic sustainability and sociopolitical sustainability (World Commission on Environment and Development 1987).
<b>Trust</b>	Reliance on and confidence in the truth; to place confidence in someone to do something. Trust is a prediction of reliance on an action, based on what a party knows about the other party (Collins Concise Dictionary 2001).

# **Chapter 1**

## **Introduction**

During the apartheid era in South Africa, the planning process used to be centrally controlled and decisions were usually taken by experts without consulting all those who were stakeholders or who were affected by the decisions that were being taken (Whyte 1995). The government generally provided the initiatives, took the lead, and often devolved a participatory role to the community only after the decision had been taken (Brownlea 1987). It has, however, become increasingly evident that communities in the post-apartheid era are assuming a more participatory role in activities that take place in and around their area such as in the formulation of Integrated Development Plans (IDPs) and in this case being involved within the Mkhondeni Stream Catchment (MSC) area Strategic Environmental Assessment (SEA).

The Ashburton area has recently been identified for several development projects due to the area's location along the Durban-Pietermaritzburg development corridor and also as a result of an increasing need for housing. The MSC area SEA was begun as a result of these contributing factors within the area. However, the SEA was met with some skepticism from a local socio- environmental movement i.e. Preservation of the Mkhondeni Mpushini Biodiversity Trust (PMMBT) which was required to be involved within the SEA process. The issue, however, within this SEA process is how much public participation should be incorporated in the SEA process as it is not legislated for. According to Beierle and Cayford (2002), public participation has taken centre stage especially with regards to the manner in which society manages and protects the environment. However its 'increasing role in environmental policymaking has led to much recent discussion – accompanied by some cheering, some hand-wringing, a great deal of speculation, and always a recognition of its growing importance.' (Beierle and Cayford 2002: 1). In this chapter, firstly the study area of Ashburton is described, secondly the motivation for this study is given, thirdly the aim and objectives are listed and lastly the chapter outline will be given.

### **1.1 Study Area**

The study area for this project was located within the Msunduzi Municipality, in the area of Ashburton which is found within the Mkhondeni Stream Catchment Area, as shown in Figure 1. The area of Ashburton was incorporated into the Msunduzi Municipality in 2000 and is one of five such areas: Pietermaritzburg, Vulindlela, Claridge, and Bishopstowe are the other areas. The Ashburton area, which is situated between Durban and Pietermaritzburg covers an area of approximately 1120ha and straddles the N3 Freeway (Puttick *et al.* 1999). The predominant land uses that are found within the Ashburton area are agriculture and low density small holdings. The population for the Ashburton area

ALL MAPS NOT TO SCALE

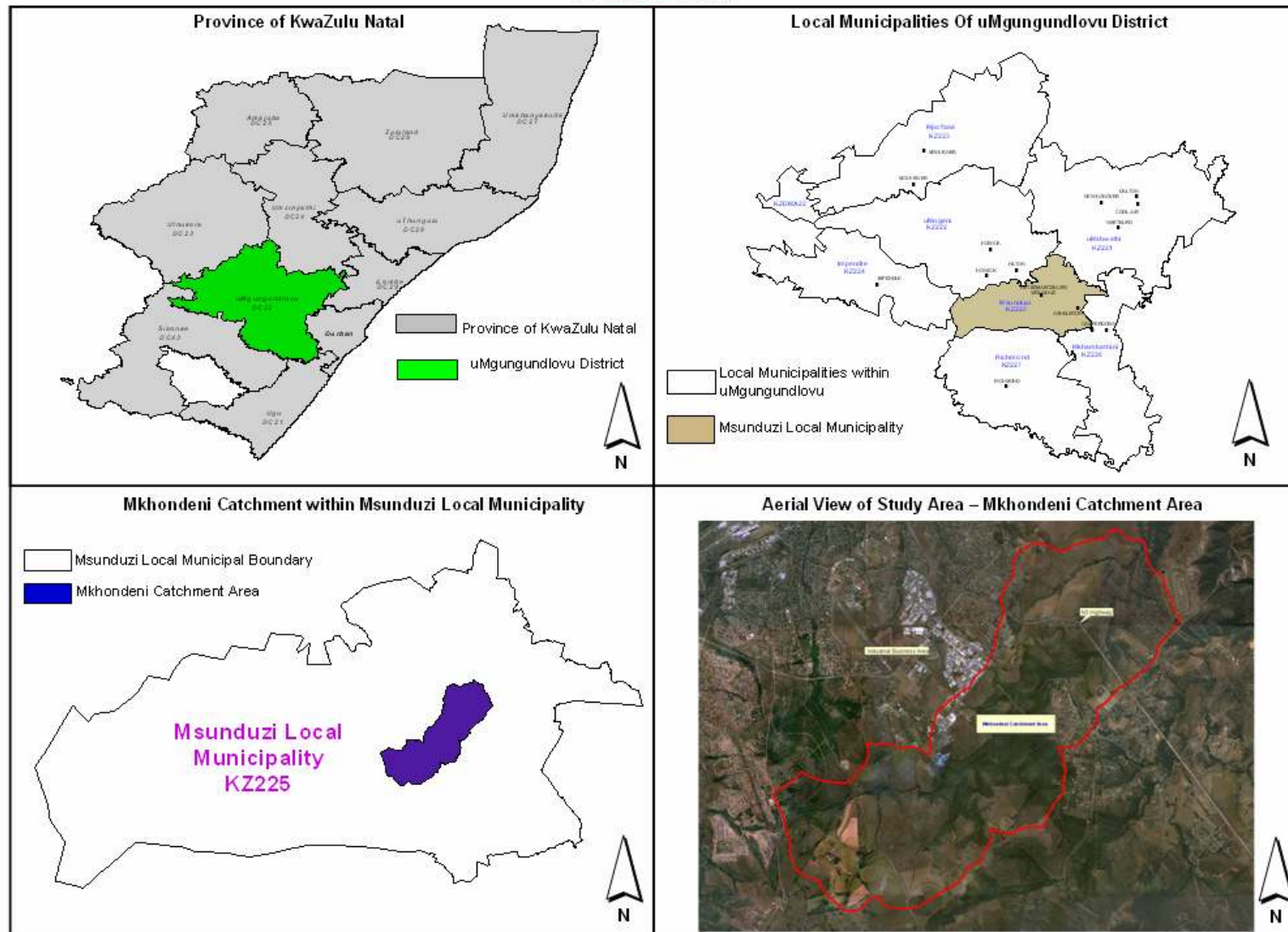


Figure 1: Study Area – Ashburton, Mkhondeni Stream Catchment Area

‘was estimated during April 1999 to be about 2000 people which includes domestics and farm workers who reside on their employers’ property’ (Puttick *et al.* 1999: 6). At present the total population of the Ashburton area is still being determined through a population census.

The study area at present is fairly lightly settled, but is increasingly becoming subject to development pressures, as noted by the number of Environmental Impact Assessments (EIAs) in progress, that have in essence led to the present SEA study (McCarthy 2006). There is a rich biodiversity found within the area. It is noted by Nicolson (2006) that the area consists of vegetation types such as grassland and bushland which house various mammals such as the grey duiker and the black-backed jackal, birds such as the ground hornbill, reptiles such as Borquins dwarf chameleon, and amphibians and invertebrates. This area for some of the residents and the PMMBT especially, is an area with significant biodiversity but is also an area that is under increasing developmental pressure and in need of being conserved. The pressure to develop within this area is due to it being situated in the Durban-Pietermaritzburg corridor.

## **1.2 Motivation for Study**

The corridor between the Durban and Pietermaritzburg areas has recently been identified for several developments as noted by Coan (2007), a journalist from the newspaper, the Witness. According to Coan (2007) these possible developments comprise of high-density housing estates and office parks. Due to the evident developmental pressure in the Ashburton area, the Department of Agriculture and Environmental Affairs (DAEA) proposed that ‘a SEA be undertaken in a bid to establish a broad environmental and sustainable development framework for the area.’ (DAEA 2006 in Coan 2007: 1). The SEA for the Mkhondeni Stream Catchment area was funded by several developers and the Municipality appointed consultants, Mr G. Nicolson and Dr J. McCarthy, to implement the SEA. Public participation processes did take place. However, some residents within the area still felt as if their voices were not being heard. This research thus aims to examine the public participation processes within the Draft MSC area SEA.

## **1.3 Aim**

The aim of the study was to examine the governance processes within the Draft Mkhondeni Stream Catchment area SEA with particular reference to public participation.

## **1.4 Objectives**

- 1) To examine the public participation processes as articulated by the Provincial Department of Environment Affairs and Tourism (DEAT) and in legislation.
- 2) To investigate the public participation processes within the Draft Mkhondeni Stream Catchment area SEA.
- 3) To determine whether the deliberation or public participation process was adequate.
- 4) To investigate how the Draft Mkhondeni Stream Catchment area SEA was framed and reframed by key stakeholders allowing for a better understanding on how public participation is framed.



- 5) To reflect on the public participation process and how it may be strengthened.

In light of the SEA process having no formal legislation or legislation for its public participation process, a reference can be drawn from the best practice recommendations set out in DEAT (2004) as well as from the closest legislated environmental assessment tool i.e. EIA public participation process. In order for the SEA public participation process to be deemed adequate it should meet all or a majority of the best practice recommendations for the public involvement aspect of a SEA as noted in DEAT (2004) as well as a majority of the minimum requirements for public participation within an EIA.

### **1.5 Outline of Chapters**

In Chapter one an introduction and motivation for the study is provided. An overview of the study area, discussion of the background to the study as well as an outline of the aims and objectives of this study is given. In Chapter one the key issues that will be developed more fully in Chapter two are introduced. Chapter two contains the literature which forms the foundation of this study. In Chapter three the methodology to guide this study with the intention of collecting relevant and reliable data is explained. The data analysis is contained in Chapter four, allowing for the identification of a set of key themes that emerged. Lastly, within Chapter five, conclusions are drawn and recommendations are made to reflect on the public participation process and how it may be strengthened.

## **Chapter 2**

### **Literature Review**

#### **2.1 Introduction**

In this chapter, a conceptual framework that forms the basis for this study is developed. The concepts that contribute to the core of this research include those of governance, public participation, and Strategic Environmental Assessment (SEA). The concept of governance will be considered initially as this is the overarching concept under which other key concepts such as public participation and SEA fall. Secondly, the concept of public participation will be examined, followed thirdly by a section on the allowances that our present bureaucratic system makes for public participation, the concepts of social movements, and of framing and reframing will also be discussed in this section to understand how the socio-environmental group and community within the area understood the Mkhondeni Stream Catchment (MSC) area SEA. Fourthly, this will be followed by a discussion of Environmental Impact Assessment (EIA) to understand the difference between an EIA and a SEA. And lastly, the concept of SEA in general and in relation to the South African context will be discussed.

#### **2.2 Governance**

##### **2.2.1 What is governance?**

According to Weiss (2000) the concept of governance is one that has existed for many decades and has been used more frequently in recent years by government and academics. Weiss (2000) considers the concept of governance to refer to a complex set of structures and processes in both the public and private sectors. He further notes that the concept of governance is usually used interchangeably with that of government; however, these concepts are different. Various definitions of the term “governance” have been given. In Box 1 some key definitions are provided, which allow a variation to be observed in the defining of governance. The key difference between the terms of “government” and “governance” according to Hajer and Wagenaar (2003: 2) is that while government has a ‘...limited reach of set solutions to thorny political issues imposed through top-down government intervention’; governance tends to open ‘...up the cognitive commitments implicit in the thinking about governing and political decision-making’ and appears to assist practitioners and theorists alike to ‘break out of tacit patterns of thinking.’

### **Box 1: Various definitions assigned to the term “governance”**

Governance is viewed as the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. (United Nations Development Programme UNDP 1997)

Governance is the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest. (Commission on Global Governance 1995)

Governance refers to the process whereby elements in society wield power and authority, and influence and enact policies and decisions concerning public life, and economic and social development. Governance is a broader notion than government. Governance involves interaction between these formal institutions and those of civil society. (International Institute of Administrative Sciences in Weiss 2000: 4)

A commonality amongst the definitions in Box 1 is that governance consists of many complex relationships and processes. This is the case with the Organisation for Economic Cooperation and Development's (OECD) definition of governance which as noted by Huillet in Lovan *et al.* (2004: xv) defines governance in terms of relationships. Other contemporary definitions of governance, according to Cloke *et al.* (2000), stress the interdependence between the government and non-governmental organisations (NGOs) and a concurrent reduction in the role of central government over time to one that ultimately seeks to harmonise or deal with policy networks through facilitation and negotiation. This definition assumes that a result in the decentralisation of power allows local

government to play a greater role. According to Lovan *et al.* (2004: 3) ‘if government is perceived as power over governance may be more correctly interpreted as power to...’ This clearly shows the difference between government and governance; where government has a limited number of relationships and set of solutions, governance allows for many complex relationships to be made and individuals to be involved from a grassroots level. The latter allows for a more participatory approach to be adopted while the former is more dictatorial in its approach.

Governance from the definitions given in Box 1 does not give answers to solving issues, such as poverty, within our present democracy. However, it rather provides a set of ideas and concepts that can be used to help understand and tackle the issue of poverty to address it at a basic level in hope of its alleviation. As noted by Huillet in Lovan (2004: xv) the term governance ‘supersedes discussions around public management to a more fundamental question of how the processes of democracy can be adapted to aid countries in resolving the public issues which confront them.’ Democracy promotes good governance practices and public participation.

Due to the case study approach, essentially at a local level, of this study, the concept of local governance will be used. Governance and local governance in particular, according to Goss (2001: 36) is defined in terms of ‘relationships that do not only revolve around powerful agencies, and between levels of government but most importantly it is concerned with the relationship between government and people’. It is this relationship between government and the people that Goss (2001) notes is constantly being redefined in practice and renegotiated by both people and government. Therefore, it can be said that local governance or governance that occurs at a local level, is the way people and agencies interact with each other.

Good governance is ‘ensuring respect for human rights and the rule of law; strengthening democracy; promoting transparency and capacity in public administration’ (United Nations Secretary-General Kofi Annan in Weiss 2000: 4). It is this good governance that according to Goss (2001: 55) ‘can create the weak ties that hold a complex modern society together.’ Governance is thus a complex set of relationships involving all sectors of society and therefore the concept of “systems thinking” can be applied. Systems thinking ‘attempts to build an understanding of the way that the actions of each individual or organisation impact on the whole system’ (Goss 2001: 103). Governance in terms of systems thinking can be viewed, according to Goss (2001), as a logical series of interactions that cannot be understood in isolation. There are no neutral parties and individuals and organisations are always actively engaged with their surroundings.

Good governance should ideally promote both the concepts of expansive democracy, participatory democracy, and deliberate policy making. The concept of expansive democracy is characterised by increased participation and by including individuals who are affected in the decision-making process (Hajer and Wagenaar 2003). A more participatory approach, a concept entrenched in South Africa's constitution, should be adopted to bring about expansive democracy, i.e. the ongoing deepening of democracy in our society. Deliberative policy making can be implemented to reinforce and uphold the democracy for which many South African citizens voted in the 1994 elections. With democracy, however, has come the realisation that 'we are going through a phase of rapid social change' (Hajer and Wagenaar 2003: 4). A new way of policy making should be looked at as a result of society's diversity. As noted by Laws and Rein (2003) 'society is diverse in ways that come into play directly in the policy making process'. It is this 'diversity of society' that contributes to the complexities involved in the creation of policies and thus the relationship between society and the state. Hajer and Wagenaar (2003) propose that politics and the process of policy making cannot just be about the finding of solutions but rather about finding formats that create a relationship of trust between mutually affected stakeholders. Deliberative policy making is therefore concerned with the ways in which different stakeholders deliberate or debate controversial issues to produce a decision. A participatory approach plays a big part in deliberative policy making.

## **2.3 Public Participation**

### **2.3.1 What is Public Participation?**

According to Beierle and Cayford (2002) "public participation" is defined as any method used to intentionally involve the general public, populace, or key stakeholders within the decision-making process. Public participation processes includes focus groups, public meetings, and advisory committees and allows for more involvement between government and society with regards to plans, policy, and programmes. According to the International Association for Impact Assessment (IAIA) (Andre *et al.* 2006: 1) public participation can be defined as 'the involvement of individuals and groups that are positively or negatively affected by, or that are interested in, a proposed project, programme, plan or policy that is subject to a decision-making process.' The definition given by the IAIA with regards to public participation will be used within this study.

Good governance processes have effective public participation processes built into them. The concept of public participation is one that has only recently within South Africa been practised democratically. Due to South Africa's notorious history of apartheid, many steps have been taken to move towards a country where good governance is practised. During the apartheid era, the majority of the population was excluded from the decision-making process. Within the post apartheid era

there has been a noticeable increase in public participation resulting in public participation becoming an element found in most decision-making processes and developments. Although public participation has been made part and parcel of some major processes, such as EIAs, a majority of the individuals in the country do not yet fully participate in public participation processes. This may be due to, among other things, a lack of capacity by those who were previously disadvantaged. According to Khan (1998) it is critical that individuals, and groups, particularly the previously disadvantaged, are allowed to fully participate as equal partners, especially with regards to responsible environmental decision-making, thus allowing for broad based participation to be present.

Public participation in South Africa has become incorporated within certain practices allowing for a greater facilitation of broad based participation. Within the South African context, there has been a drive towards sustainable development, and good environmental management practices, and an increase in the laws and regulations concerning the physical environment especially Integrated Environmental Management (IEM). Public participation is one of the key elements used to ensure the success of IEM as a management tool and to promote principles such as ‘open and participatory planning, consultation of interested and affected parties, informed decision-making, accountability and a democratic regard for individual rights and obligations’ (Khan 1998: 73).

As rightly stated by Khan (1998), although the principle of public participation is acknowledged as a vital part of the decision-making process, especially with regards to the environment and IEM, there is still an evident lack of proper implementation. A lack of proper implementation of public participation practices is in part due to stereotypes. One of the major stereotypes regarding the poor within the decision-making process is that inevitably ‘the priorities of the poor will continue to revolve around issues of survival, with conservation often being perceived as a peripheral issue, and thus of little relevance to their lives.’ (Khan 1998: 73)

### **2.3.2 Core Principles for Best Practice Public Participation**

Within governance, the concept of public participation plays a central role. Public participation allows for a platform to be formed whereby there are open lines of communication between government and society. According to Lovan *et al.* (2004) there are core principles that build effective participatory governance. They should be:

- Integrative – to allow for interdependency and connections between all stakeholders to be recognised and utilised.

- Strategically driven – initiatives should be approached with a particular aim or vision in mind and be proactive.
- Joint working (inclusive) – recognition is given that all stakeholders need to be included and work together.
- Multi-dimensional in scope – to look at a wide range of inter-related concerns.
- Reflective – which requires an iterative process involving both learning and reflection.
- Asset based – the shared resources need to be utilised among the stakeholders.
- The champion of authentic dialogue – to allow for various points of view to be heard and diverse perspectives to be engaged with and shared.

Andre *et al.* (2006), with the International Association for Impact Assessment (IAIA), puts forward several elements that constitute good operating principles for public participation. These according to Andre *et al.* (2006: 2) are that ‘participation should be initiated early and sustained...well planned and focused on negotiable issues...supportive to participants,...tiered and optimized,...open and transparent,...context-oriented and credible and rigorous’. All the above, if followed, allow for good practice public participation to be achieved.

### **2.3.3 Challenges within Public Participation**

There are many challenges that are found within the public participation process, the most notable according to Khan (1998: 73) is ‘linked to socio-economic factors such as illiteracy and low levels of education among the poor’. This is a considerable obstacle because in order for effective public participation to occur especially around environmental issues there needs to be an informed and environmentally aware public, as noted by Khan (1998). Two other main challenges with regards to the public participation process are those of communication and commitment to the process (Beierle and Konisky: 2000). Communication in terms of the level of transparency within the process and with I & APs as also noted by Andre *et al.* (2006), ensures good practice public participation is achieved. Andre *et al.* (2006) also recognizes that commitment in terms of participation being initiated early and sustained, also promotes good public participation.

However, the most common challenge to public participation is that inappropriate techniques are used. Khan (1998) notes that it is more often than not techniques more appropriate to a first world context which are used with regards to public participation processes. These techniques include the ‘knock and drop’ of lengthy questionnaires, public documents written in academic or scientific jargon or in a language not commonly understood by the local target community, public meetings held in inaccessible venues or at inconvenient times, and the language used in the public meeting is

also, in some cases, not easily understood by the target community. ‘Inappropriate public participation techniques are extremely harmful, often either intimidating or antagonising the very communities they are attempting to involve, therefore it is acknowledged that genuine public participation constitutes more than mere consultation, and that it incorporates the public as an equal partner in decision-making’ (Khan 1998: 73). In light of this it is imperative according to the Mekong River Commission (MRC) (1999) when conducting a public participation process to firstly gather all relevant and available information from the identified area e.g. demographics, to ensure that the appropriate methods and materials are chosen to disseminate information relating to the project or development as a participatory structure would seek to eliminate, or at least reduce, the barriers to entry for the key stakeholders. According to the MRC (1999) all techniques are case specific and area specific and range from the more in-depth Participatory Rural Appraisal (PRA) to the dissemination of a simple leaflet in the appropriate dialect.

Figure 2 below, illustrates one of the main challenges encountered with society’s perception of public participation. Irrespective of the input that society gives towards a decision it is in the end not utilised, it is done to merely create a façade of participation. According to Arnstein (1969: 217) Figure 2 also ‘highlights the fundamental point that participation without redistribution of power is an empty and frustrating process for the powerless.’



**Figure 2: A French student poster. Translated into English it reads, "I participate, you participate, he participates, we participate, you participate...they profit" (Arnstein 1969).**

Some of the solutions to overcoming the challenges within public participation, according to Khan (1998: 74), are that within South Africa practitioners have an obligation and a responsibility to ensure inclusiveness and representivity, as well as meaningful participation. Public participation



techniques should be ‘sensitive to the legacy of apartheid and recognise that communities are not homogenous and therefore a variety of techniques should be implemented that are aimed at ensuring the broadly representative involvement of the local populace and most importantly allow for sufficient time to carry out these programmes.’ (Khan 1998: 74)

#### **2.3.4 The Negative Impacts of Public Participation**

With the many challenges that public participation processes face, there is literature that suggests that there are negative impacts related to the presence of public participation. According to Burger and McCallum (n.d.) public involvement has negative impacts upon Interested and Affected Parties (I & APs), the authorities, proponents and practitioners. The harmful effects of public participation are seen by Burger and McCallum (n.d: 346-351) to be:

- Altered human relations – Public involvement processes are able to alter social, political, and economic relations which exist between individuals and groups by, among other things, allowing for social tensions to occur, mainly due to the unequal empowerment of I & APs.
- Non-participation in current and/or future public involvement processes – I & APs can lose confidence in elements of the decision-making process, and as a result be less inclined to continue participating in the current process or future public involvement processes.
- Stress and its consequences – Stress in short bursts can act as a motivating factor, on-going stress can result in apathy, paralysis, and powerlessness.
- Lack of commitment to a democratic philosophy – Authorities do not act consistently in accordance with people’s right to be involved in decisions that affect their lives.
- Lack of commitment to public involvement – Proponents display a lack of commitment to public involvement. This manifests itself in the proponent not enabling I & APs in their plans, policies, and projects to be consulted about these matters; not allowing sufficient time and/or budget for the participation to be effective and meaningful; or by seeking to maintain control of the public involvement process to the detriment of the principles thereof.
- Loss of ability to subscribe to the principles of public involvement – The stress experienced by practitioners engaged in difficult public involvement processes results in firstly, a loss of motivation and secondly, a numbing and subsequent insensitivity of the practitioner to the concerns or beliefs of parties engaged in the participation process.

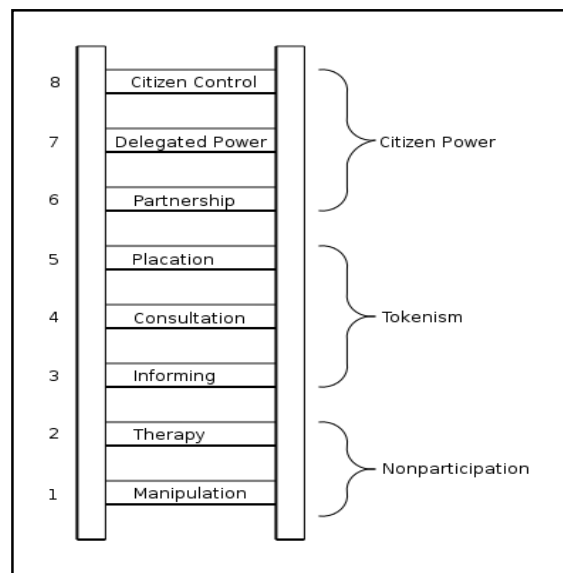
#### **2.3.5 Types of Public Participation**

Public participation is noted to be a problematic concept, as there are various ways in which public participation occurs. One of the most prominent writers within the field is Arnstein (1969) who wrote an article entitled ‘A Ladder of Public Participation’. Arnstein (1969) put forward a model

called ‘the ladder of participation’ (refer to Figure 3) which illustrated the various levels or types of public participation that occurs. Arnstein’s (1969) ladder of participation ranges from manipulation (where stakeholders are used merely to create an appearance of participation) to citizen control (where the citizen has the most power and a very real say within decision-making).

Another important way in which public participation occurs is noted by DEAT (2002) where there is more importance put on the participation process and its being referred to as “stakeholder engagement” as opposed to public participation. The engagement of I & APs in the decision-making process is often referred to as public participation. However, DEAT (2002) recognises that in view of definitions for “public participation” there are some current difficulties associated with the term and ‘stakeholder engagement’ (DEAT 2002: 6). This is further emphasised in the concept of consensus based decision-making (CBDM). According to Pellow (1999) within this concept the term “stakeholder” is central to the concept of CBDM.

Public participation does, in its definition, result in some misunderstanding. ‘The use of the term public is misleading as although every citizen regardless of association forms part of the public, the term may be misinterpreted as excluding the private sector and non decision-making authorities. Further the groups may be misconstrued as being a homogenous group with a set of agreed common interests and aims’ (Lee and George 2000 in DEAT 2002).

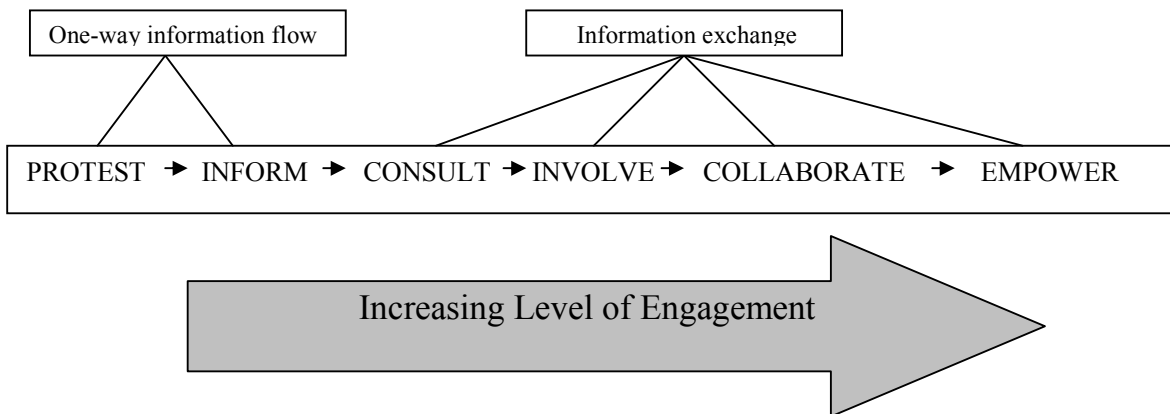


**Figure 3: Ladder of citizen participation – the eight rungs (Arnstein 1969)**

The second issue to note is that from the range of definitions presented are that those definitions for participation differ widely in the degree to which I & APs influence decision-making. The concept of a spectrum of different levels of influence on decision-making provides a useful starting point for addressing this issue. The International Association for Public Participation (IAP2 2000) describes public participation as being a spectrum of increasing levels of public impact on decision-making (refer to Figure 4). This ranges from the public being ‘informed, consulted, involved, collaborating with decision-makers, or fully empowered through delegated decision-making.’ (DEAT 2002: 7)

With each level of engagement according to IAP2 (2000) comes various promises: from the level where the stakeholders are informed comes the promise that they will be kept informed, to the level of empowerment where there is a promise that what the stakeholders decide will be implemented. ‘Ultimately the goal of stakeholder engagement is to improve communication between stakeholders (including the proponent) in the interest of facilitating better decision-making and more sustainable development.’ (DEAT 2002: 9)

It is noted within DEAT (2002: 13) that each stakeholder has different responsibilities within the engagement process as seen in Appendix A. Many responsibilities exist, however, one common thread links all the role-players together which entails the avoidance of unrealistic expectations and making unrealistic demands.



**Figure 4: Stakeholder engagement spectrum (IAP2 2000)**

When undertaking a process that entails stakeholder engagement there are various approaches which may be used. These approaches are presented in the Table 1 below. It is seen that there are challenges which face stakeholder engagement, and according to DEAT (2002) there are four main challenges. Firstly, there are policy and institutional constraints which means that there is no supporting institutional or regulatory framework in place to effectively and efficiently guide the

engagement process; and if this framework does exist there is not enough capacity to implement the regulations. Secondly, there are cultural and historical complexities which have developed mainly due to a history of repression within South Africa and therefore there is an inherent lack of trust which emerges. Thirdly, there are capacity constraints which create a lack of capacity to engage effectively. This is due mainly to unequal socio-economic levels and low literacy levels combined with language barriers. Lastly, it is noted that environmental issues are ranked as low levels of interest. The ‘level of support and engagement in environmental assessment and management may be low when the environmental agenda is seen to conflict with addressing pressing social development needs.’ (DEAT 2002: 12).

The two most common shortcomings with regards to stakeholder engagement are usually centered on ‘a lack of clarity around the definition and objectives of stakeholder engagement and the responsibilities of stakeholders, environmental consultants and stakeholder engagement practitioners’, there is also ‘the selection of inappropriate approaches and techniques to facilitate stakeholder engagement.’ (DEAT 2002: 17)

**Table 1: Examples of common approaches to stakeholder engagement (Chambers 1997)**

<b>Information</b>	<b>Consultation</b>	<b>Collaboration and Empowerment</b>
Legal notices	Public meetings	Workshops, focus groups or key stakeholder meetings
Advertisements	Public hearings	Advisory panels and committees
Magazine or news articles and press releases	Open days/ open house	Task forces
Background information material	Briefings	Citizen juries
Exhibits or displays	Central information contact number or person	Charrettes/consensus conferences
Technical reports	Field offices or information centers	*Imbizo
Websites	Comments and response sheets	*Indaba
Field trips	Surveys, questionnaires, and polls	Participatory learning and action (PLA)
Press conferences	Interviews	
Radio or talk shows	Telephonic hotlines	
Expert panels	Electronic democracy	
	Participatory rural appraisal (PRA)	

*\*Imbizo: A forum for enhancing dialogue and interaction between government and the people. (<http://www.info.gov.za>)*

*\*Indaba: The term comes from a Zulu language word, meaning "business" or "matter" and often simply means gathering or meeting. (<http://en.wikipedia.org/wiki/Indaba>)*

As result of the problems faced within stakeholder engagement, there are lessons which can be learnt. There are six lessons mentioned by DEAT (2002) that can be learnt with regards to stakeholder engagement within the South African context. According to DEAT (2002) there needs to be a clear understanding of the value of effective, efficient, and equitable engagement; the aims and objectives of the engagement process should be defined at the beginning of the process; the appropriate tool and approaches should be used to allow for efficient, equitable, and effective engagement to be practiced; there should be an element of capacity building within the process to empower all stakeholders to engage more effectively; the stakeholder practitioners should have the relevant skills to effectively run the engagement process; and more effort should be put into conflict management. For the purpose of this study the concept of public participation will be used as it is a more commonly recognized and understood.

### **2.3.6 Public Participation Methods**

There are several ways in which public participation can be instituted. The Guide for Public Participation in South Africa by Greyling (2002) discusses a few methods that can be used. Public participation according to Greyling (2002) can be done via written methods (such as letters, background information documents, printed media, and email), verbal methods (such as public meetings, and focus groups), and stakeholder mailing lists (where each stakeholder is addressed personally).

### **2.3.7 Opportunities within the Existing Administrative System for Public Participation**

Within South Africa's current administrative system there exist various areas in which public participation is crucial. These are of first and foremost The Constitution: which is intended for a truly democratic government; The Development Facilitation Act (DFA) 67 of 1995: the DFA is a piece of legislation that is used to create a consultative process within the development process in South Africa; The Environmental Conservation Act (ECA) 73 of 1989: the ECA allows and requires that within the EIA process itself the public participation process should be recorded and documented; The National Environmental Management Act (NEMA) 107 of 1998, which is an improvement on the ECA; provides for a greater level of participation by stakeholders as compared to the ECA, Environmental Impact Assessment (EIA): which is a tool used to assess a particular piece of land from an environmental point of view and which has statutory requirements for public participation; and finally The Green Paper on Local Government: where the concept of public participation is strongly supported to enforce a more participatory local government. All the above-mentioned regulations or laws create an enabling decision-making environment for all citizens.

## **2.4 Social Movements e.g. PMMBT**

In the greater Pietermaritzburg area there exists a community organisation called the Preservation of the Mkondeni Mpushini Biodiversity Trust (PMMBT), which, according to the PMMBT (n.d.), ‘is a community based action body that seeks to support projects and initiatives that recognize and preserve the environmental, ecological and historical significance of the Bisley, Mkondeni and Mpushini Valley systems, and its importance to the peoples living in the vicinity of Pietermaritzburg in KwaZulu Natal.’ It is necessary to understand the concept of a social movement. Social movements according to Dryzek *et al.* (2003) can be characterised as an association or set of associations organised around a common interest that seeks to influence collective outcomes without obtaining authoritative offices of government. A similar description is also given by Wilkinson (1971) in Short (1993) that a social movement promotes change in any direction by any means. This is related to the way social movements often frame their arguments in the hope of obtaining a particular outcome and changing the status quo with the major reason being they may not accept the legitimacy of the state.

## **2.5 Framing and Reframing of the MSC area SEA**

It is inevitable that there will be resistance to change by individuals and governmental institutions alike. This is partly due to the fact that much of the business of governing is still affected by the traditional hierarchical institutions of government, a top down approach (Hajer and Wagenaar 2003). Therefore, if our head organisational structures are still embracing traditional methods, then trying to embrace new methods becomes more difficult. This is when the idea of framing and reframing is introduced which is simply a way of representing knowledge that will differ according to the audience as well as the person presenting the knowledge, and will simultaneously provide a basis for both discussion and action (Laws and Rein 2003).

Goffman (1974) cited in Laws and Rein (2003) notes that framing is a response to the problems encountered in everyday life by everyday citizens seeking to make sense of the world they inhabit. It is these ‘felt needs and experienced...sufferings of the agents involved that animate the process and ground it in a stubborn persistence that leads, over time, to an increased capability to act effectively that involves adjustments in actions that spill over into a reframing of beliefs’ (Fay 1976 in Laws and Rein 2003: 173). With reframing comes the change of system, thought, and practices. If stakeholders have a doubt about an issue they may reframe or change their stance on an issue. Within the concept of ‘framing’ and ‘reframing’ comes three core framing tasks, that social movements must undertake. These are identified by Pellow (1999) as being firstly, the task of locating the origin of the problem and attributing blame to some source i.e. diagnostic framing;

secondly, the task of prognostic framing or consensus mobilization, in which activists specify how the problem/s should be addressed in terms of strategies and tactics and; lastly, the task of defining the identity component, in which activists usually define their identity in terms of ‘we’ and ‘they’. If all three tasks are undertaken then it is likely that framing would be a step in the right direction for all stakeholders involved. The concept of framing will be used in this research to understand the views of stakeholders with regard to the Draft Mkhondeni Stream Catchment area SEA.

## **2.6 Environmental Assessment**

### **2.6.1 Environmental Impact Assessment (EIA)**

According to the Department of Environmental Affairs and Tourism (DEAT) and the Council for Scientific and Industrial Research (CSIR) (2000: 8) an EIA is ‘a detailed study of the environmental consequences of a proposed course of action and is often used as a decision support tool to compare different options’. As noted by the Department of Environmental Affairs and Tourism (DEAT) and Department of Planning (2006) the public participation within an EIA process requires that all I & APs are informed and the public participation process should allow for notice to be given by fixing a notice board at a place conspicuous to the public at the boundary or on the fence of the site where the activity is to be undertaken as well as any other sites being considered; written notice must be given to the land owners and occupiers adjacent to and within 100 meters of the boundary of the site as well as alternative sites being considered. The ward councilor, community organizations, the municipality both local and district, in which the activity is taking place, should be notified as well as the relevant organs of state e.g. DWAF, DEAT, etc. The placing of a newspaper advertisement in one local paper as well as in any official gazette, depending on the extent of the impacts of the activity, is another necessity. An advertisement, if not placed in an official gazette should be placed in at least one provincial or national newspaper. It must also be noted (DEAT and Department of Planning, 2006) that there are further regulations that dictate the minimum requirements for all notices (including quantity of notices, the period allowed for comment and the minimum information placed on the notice) and a specified format (including size of the notice and layout) that should be included within all notices (on site and around site) and written media. The EIA regulations have, through experience, been developed in detail.

However one of the most recurring issues with regards to environmental tools, and EIA in particular, is that of bias. Bias according to Boyle (1998) in Wood (2003) is evident during the decision-making process, which in most cases involves only the development agency or government as the process is usually private and closed to public comment. Therefore, it may

happen that on most occasions decisions may be influenced not only by economic and social factors but also by corruption.

Due to the fact that a SEA is not legislated where as an EIA is, the minimum requirements stated within this section will be used as a reference to determine whether the public participation process within the MSC area SEA is adequate.

## **2.6.2 Strategic Environmental Assessment (SEA)**

### **2.6.2.1 What is a SEA?**

Various definitions have been given as to what a SEA is. The definition in most cases is closely aligned to the vision or goal of the organisation in question. These definitions are presented in Box 2. As seen in the first definition there is a strong emphasis on a report being made available to the public for comment and being used in the decision-making process. This stems largely from the vision and goal of the World Wildlife Fund (WWF). It is a non-governmental organisation (NGO) which seeks to fight on behalf of the environment and seeks to comment and feed into the decision-making process. Important commonalities in all the above definitions are that all of the definitions recognize the need for a SEA to feed into the decision-making process.

Within the context of this study the definition of a SEA used within the Draft MSC area SEA was used. According to the Draft MSC area SEA (Nicolson 2006), a SEA is complementary and precedes an EIA. It further states that a SEA is carried out ‘...in order to determine alternatives and directions of policies, plans and programmes...and can be used to assess a proposed policy, plan or programme that has already been developed, or it may be used proactively in advance in the process of formulating these policies, plans or programmes’ (Nicolson 2006: 7).

### **2.6.2.2. Objectives and Benefits of SEA**

SEA is a very useful tool within the current developmental state of South Africa. Although South Africa falls into the category of a developing country, it is developing at an increasingly rapid rate as compared to other developing countries in the southern African region. According to DEAT and CSIR (2000: 10) the main benefits of SEA are that it:

- ‘pro-actively informs the development of plans and programmes
- identifies the opportunities and constraints which the environment places on development
- provides guidelines to ensure that development is within sustainable limits
- has the ability to integrate across areas regions or sectors



- improves the way in which cumulative effects are dealt with in the environmental assessments, for example, through the use of thresholds and limits of acceptable change and
- focuses on the maintenance and enhancement of a chosen level of environmental quality, rather than on minimizing individual impacts’.

## **Box 2: The various definitions of a SEA**

‘SEA is the formalised, systematic and comprehensive process of evaluating the environmental impacts of a policy, plan or programme and its alternatives, including the preparation of a written report on the findings of the evaluation, and using the findings in publicly accountable decision-making’ (Wildlife Trusts/ WWF-UK Joint Marine Programme 2003).

SEA is ‘a process of anticipating and addressing the potential environmental consequences of proposed initiatives at higher levels of decision-making. It aims at integrating environmental considerations into the earliest phase of policy, plan or programme development, on a par with economic and social considerations’ (Sadler 1995 in CSIR 1996).

‘SEA is an instrument that must be adapted to existing decision-making processes. It is more political than technical, and is related to concepts, rather than to activities with geographic and technological specifications’ Partidário (2000).

SEA is ‘a process of integrating the concept of sustainability into strategic decision-making’ (DEAT and CSIR 2000).

SEA is an approach which is considered useful especially in terms of its role as an environmental assessment tool (DEAT and CSIR: 2000). Because it uses its key principles within existing systems, it is continuous and adaptive as opposed to being a simple linear and technical approach. However, as noted by the OECD (n.d.), practical experience of applying SEA has allowed two key challenges to be highlighted i.e. lack of knowledge amongst decision-makers regarding the potential value of SEA to development effectiveness, and a lack of institutional experience of using systematic decision-making tools such as SEA.

SEA, as opposed to other environmental tools such as EIA, provides a much more holistic approach. This is due to the fact that within a SEA there are strong participatory methods. This in essence would show that environmental degradation affects vulnerable groups, and ‘the challenge however is to ensure that public participation is meaningful and not just a case of providing detailed, rigorous and comprehensive information.’ (World Bank n.d.)

However, there are many issues that hinder the use of SEA in developing countries. For example, as noted by Wood (2003), there are skills and data shortages and an absence of public participation in policy and plan making. Participation in these cases tends to be limited to the most basic participation i.e. commentary. However, it is acknowledged by the OECD (n.d.) that a SEA does have a more positive outcome as opposed to a negative one, in that SEA:

- With development cooperation can provide the environmental evidence to support more informed decision-making,
- Identifies new opportunities by encouraging a systematic and thorough examination of development options,
- Prevents costly mistakes by alerting decision-makers to potentially unsustainable development options at an early stage in the decision-making process,
- Builds stakeholder engagement in decision-making for improved governance,
- Safeguards environmental assets for sustainable development with poverty reduction,
- Facilitates Trans-boundary cooperation around shared environmental resources and contributes to conflict prevention.

SEA and EIA are thus formulated for different purposes and both prove to have their advantages as well as disadvantages. It is noted that, while a SEA allows for a holistic approach, it may tend to overlook detail, as opposed to an EIA which is a detailed, rigorous, and scientific study. However, an EIA may lose track of possible social impacts if it is not clearly articulated and structured within the Terms of Reference.

#### **2.6.2.3 Key Elements of a SEA Process**

Within a SEA process there are certain key elements, according to DEAT and CSIR (2000) that need to be present. The SEA process can be used as a standalone process or can be integrated into other planning processes. A SEA process, according to DEAT and CSIR (2000: 8), consists of the

identification of a broad plan as well as programme alternatives, screening, scoping, a situation assessment, the formulation of sustainability parameters for the development of the plan or programme, the development and assessment of alternate plans and programmes, decision-making, the development of a plan for implementation, monitoring and auditing, and lastly its implementation. Table 2 below lists the main SEA procedural steps.

The Terms of Reference (ToR) is an important aspect within a SEA and the decision-making process in general because it is the constitution by which the process is guided. The ToR forms part of the initiation stage (refer to Table 2). According to Scott (1999: 5), the ToR should contain the following, ‘guiding principles (vision), purpose/aim of committee, composition and representation, tasks and functions, capacity building and information sharing, decision-making procedures, management, administration and reporting.’

The public participation process that took place in the compilation of the Draft MSC Area SEA was noted within the Draft SEA itself. According to international experience with a SEA, a process was put together outlining the key procedural steps. The procedural steps recommended by the United Nations Economic Commission for Europe (UNECE) Task Force in 1992, are presented in Table 2 below. However, this process was later revised by Therivel and Partidário (1996), to incorporate policy/planning processes within SEAs.

**Table 2: The SEA main procedural steps (UNECE Task Force 1992)**

<b>Main SEA procedural steps</b>	
1	Initiation (determine the need and type of SEA).
2	Scoping (identify alternatives and impacts to be assessed).
3	Policy Appraisal/ Impacts Assessment.
4	Quality Review (seek input or advice from external institutions/ experts).
5	Public Participation.
6	Documentation (report on SEA conclusions).
7	Decision-making (take SEA conclusions into account).
8	Post-decision (identify follow-up measures of overall impact of projects, and measures resulting from policies, plans or programmes).

Table 2 presents the main procedural steps of an SEA in which public participation occurs from step 4 to step 6. However, it must be noted that the public participation processes and SEA process should be adapted according to different contexts (Sadler and Veheem 1996). At present there is a

growing body of literature surrounding the issue of a SEA process. Partidário (2000) proposes that within the SEA process the questions of why, who, what, and how must be answered to ensure a transparent process and sound SEA framework. The underlying factor is that a ‘SEA is not only about science, but also about values...sufficient attention should be given to the values of the affected communities and to the communication mechanisms to be used...’ (Partidário n.d: 40). In conjunction with the SEA process are criteria to assess the performance of a SEA. The IAIA (2002) has identified criteria to establish the level of performance within a SEA process (Box 3). Partidário (n.d.) highlights the key issues that constitute good practice SEA, which are that:

- The policy gets discussed rather than justified, otherwise subordination rather than added-value will occur,
- It should clearly identify feasible policy and planning options (alternatives) and compare them in an assessment context,
- It should be clearly articulated in/with the process of policy making,
- It should use simple methods (e.g. strategic sustainability assessment),
- It should involve the public and reflect the view of all actors,
- It should use good communication means.

Good practice SEA must ultimately be people focused as opposed to development focused: the process should enable people to be involved and participative. The process should not just be pro development and promote individual agendas.

#### **2.6.2.4. Recommended Best Practice for an SEA**

According to DEAT (2004) the SEA process is still under development and approaches are still being tested, refined and reviewed, however to contribute to the development of SEA, the following is recommended for best practice especially in relations to the involvement of stakeholders:

- Influenced by the context in which it is applied. The focus should not be on the application of a general predetermined SEA process, but rather on designing and undertaking an appropriate context-specific procedure to integrate the objectives of sustainability into strategic decision-making.
- The benefits of the SEA should be clear, not only to the implementing agency, but to all other stakeholders in the region or sector. To assist in promoting the involvement of stakeholders, other than the lead agency, in the implementation of the SEA.

- A visioning process during the initial stages of the SEA provides a useful way of identifying a common purpose for the SEA amongst a range of stakeholders. This enables participants to focus on a desired future, rather than on current problems (Lochner *et al.*, 2003).
- The purpose and scope of the SEA is clearly defined. It should also be clearly stated what issues will not be addressed to assist in focusing discussion during the process, it is also suggested that agreement is sought on the desired outcomes of a particular discussion before it begins (Lochner *et al.*, 2003).
- The focus of the SEA process should not be on the production of the report, but on the development of the institutional arrangements, decision-support systems, environmental management tools and procedures, as well as the capacity building and training programmes required to integrate the objectives of sustainability into strategic decision-making.
- As the practice of SEA is relatively new, in many instances capacity building amongst various stakeholders, related to the nature and purpose of the SEA and its desired outcomes, may be required as part of the process. Training and capacity building may also be needed for the implementation of the recommendations resulting from the SEA

These best practice recommendations for the public involvement aspect of a SEA will be used as a reference, as well as the minimum requirements for public participation within an EIA, to determine the adequacy of the MSC area SEA in terms of its public participation process.

### Box 3: SEA performance criteria (IAIA 2002)

#### **SEA:**

##### *is integrated*

- ensures an appropriate environmental assessment of all strategic decisions relevant for the achievement of sustainable development
- addresses the interrelationships of biophysical, social and economic aspects
- is tiered to policies in relevant sectors and, where appropriate, to project EIA and decision making

##### *is sustainability-led*

- facilitates identification of development options and alternative proposals that are more sustainable

##### *is focused*

- provides sufficient, reliable and usable information for development planning and decision making
- concentrates on key issues of sustainable development
- is customized to the characteristics of the decision making process
- is cost and time effective

##### *is accountable*

- is the responsibility of the leading agencies for the strategic decision to be taken
- is carried out with professionalism, rigor fairness, impartiality and balance
- is subject to independent checks and verification
- documents and justifies how sustainability issues were taken into account in decision making

##### *is participative*

- informs and involves interested and affected publics and government bodies throughout the decision making process
- explicitly addresses their inputs and concerns in documentation and decision making
- has clear, easily understood information requirements and ensures sufficient access to all relevant information

##### *is iterative*

- ensures availability of the assessment results early enough to influence the decision making process and inspire future planning
- provides sufficient information in the actual impacts of implementing a strategic decision to judge whether this decision should be amended

### 2.6.2.5 The Difference between SEAs and EIAs

To better understand the benefits of SEAs, a comparison must be drawn between an EIA and a SEA. Table 3 below taken from Partidário (n.d) aptly outlines the differences between the two. The most notable difference is that a SEA is more a pro-active environmental assessment tool as opposed to an EIA which is more reactive.

**Table 3: The difference in emphasis between an EIA and SEA (Adapted from Partidário n.d.)**

	<b>SEA</b>	<b>EIA</b>
<b>Nature of action</b>	Strategy, visions, concepts	Construction/ operation actions
<b>Focus</b>	Critical decision moments (decision windows) along decision processes	Products of decision processes (final outcomes)
<b>Level of decision</b>	Policy, planning	Project
<b>Relation to decision</b>	Facilitator	Evaluator, often administrative requirement
<b>Alternatives</b>	Spatial balance of location, technologies, fiscal measures, economic, social or physical strategies	Specific alternative locations, design, construction, operation
<b>Scale of impacts</b>	Macroscopic, mainly global, national, regional	Microscopic, mainly local
<b>Scope of impacts</b>	Sustainability issues, economic and social issues may be more tangible than physical or ecological issues	Environment with a sustainability focus, physical or ecological issues, and also social and economic
<b>Time scale</b>	Long to medium term	Medium to short term
<b>Key data sources</b>	State of the Environment Reports, Local Agenda 21, statistical data, policy and planning instruments	Field work, sample analysis, statistical data
<b>Data</b>	Mainly descriptive but mixed with quantifiable	Mainly quantifiable
<b>Rigor of analysis (uncertainty)</b>	Less rigor/ more uncertainty	More rigor/ less uncertainty
<b>Assessment benchmarks</b>	Sustainability benchmarks (criteria and objectives)	Legal restrictions and best practice
<b>Outputs</b>	Broad brush	Detailed
<b>Public perception</b>	Vague/ distant	More reactive (NIMBY)
<b>Post-evaluation</b>	Other strategic actions or project planning	Objective evidence/ construction and operation
<b>Current Policy status</b>	Guidelines	Mandatory

### 2.6.2.6 SEA in South Africa

Within the South African context the SEA process was influenced mainly by that of the EIA process. SEA within South Africa, as noted by DEAT (2002), relates to policies, plans, and programmes but more so the application of land-use planning. However, there are no mandatory regulations except for what is provided within NEMA. There are nevertheless principles put in

place which guide the SEA process. These principles, although not legislated at present, are imperative to ensuring an efficient SEA process in the interim. The SEA principles, according to Partidário (n.d.), deal with the link between SEA and sustainability, the flexibility of the SEA process, the participatory nature of SEA, the future planning of the SEA process, and SEA as a learning process.

Within South Africa, SEA has been already implemented to a great degree especially in relation to IEM. SEA in South Africa is fundamentally driven by principles from IEM as well as set within the context of NEMA. Appendix B shows the principles, their implications, and key questions for SEA. These allow for key questions to be asked to aid SEA users in the better utilisation of SEAs. South Africa, however, is not without its challenges when it comes to SEA implementation. As noted by DEAT and CSIR (2000), these include:

- Developing links between SEA and the Integrated Development Planning (IDP) process (both processes tend to be conducted individually, and there needs to be integration to ensure that the concept of sustainability is pursued),
- Facilitating capacity building and training (SEAs are not compulsory and therefore in order for all stakeholders to be informed the necessary training and capacity building needs to be administered by DEAT),
- Providing baseline information (SEAs need to draw information from current baseline data provided from previous and current studies and then create baseline data of its own),
- Improving co-ordination between various institutional structures (This is vital to the success of the SEA process as participation and integration play an important role).

## **2.7 Conceptual Framework for this Study**

The conceptual framework upon which this study is based is illustrated in Figure 5. Developing a sound framework proved to be crucial to this study as it allowed the linkages to be seen among the various concepts used. In this study three main concepts were examined i.e. governance, public participation, and SEAs. The relationships among the three concepts show that these concepts should not be viewed in isolation, but rather be viewed in relation to one another.



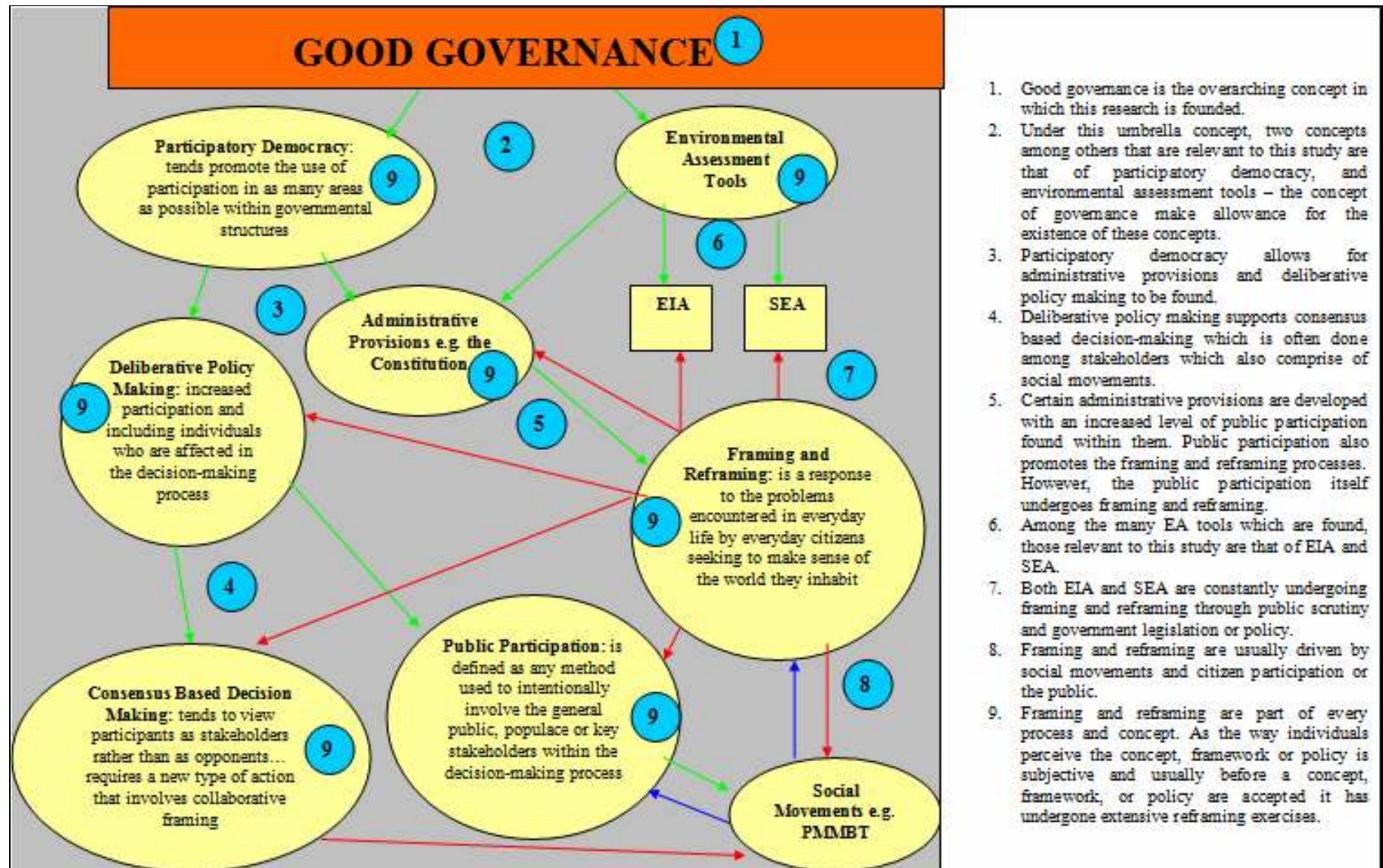


Figure 5: Conceptual framework used within this study

Firstly, within this research the overarching concept is of good governance. Secondly, under this umbrella concept, two concepts that are relevant to this study are that of participatory democracy, and environmental assessment tools – the concept of governance make allowance for the existence of these concepts. Thirdly, participatory democracy provides for administrative arrangements and deliberative policy making to be present. Fourthly, deliberative policy making supports consensus based decision-making which is often done among stakeholders which can also comprise social movements. Fifthly, certain administrative provisions are developed with an increased level of public participation found within them. Public participation also promotes the framing and reframing processes, and public participation itself undergoes framing and reframing. Sixthly, among the many EA tools which are found, those relevant to this study are that of EIA and SEA. Seventhly, both EIA and SEA are constantly undergoing framing and reframing through public scrutiny and government legislation or policy. Eighthly, framing and reframing are usually driven by social movements and citizen participation or the public. Lastly, framing and reframing are part of every process and concept. Because the way individuals perceive the concept, framework, or policy is subjective therefore usually before a concept, framework, or policy is accepted it has undergone extensive reframing exercises.

## **2.8 Summary**

This chapter provides an overview of a range of concepts and theories related to governance, public participation, and SEAs as can be seen in Figure 5. The concept of governance was briefly discussed regarding its definition and characteristics to create an overview for the foundation of this study.

Public participation was then examined, which is a crucial element within governance. The challenges encountered by the public participation process were briefly discussed. These challenges included among others the issue of illiteracy and poor education among stakeholders. The various types of participation were then explained using Arnstein's (1969) idea of the Ladder of Participation, where participation can range from manipulation at the lowest level, to citizen control at the top of the ladder. The concept of stakeholder engagement was looked at as opposed to that of public participation.

Public participation was then examined within the current administrative system of South Africa, to identify the various pieces of legislation and processes that enable an effective

decision-making environment. The Constitution; The Development Facilitation Act (DFA) 67 of 1995; The Environmental Conservation Act (ECA) 73 of 1989; The National Environmental Management Act (NEMA) 107 of 1998; Environmental Impact Assessment (EIA); and The Green Paper on Local Government were examined. The concepts of social movements, and framing and reframing, were then briefly explained to better understand the overarching concept of public participation.

Concepts such as that of EIA and SEA were then discussed. The understanding of a SEA was crucial to this study as little is written about it in South African legislation. The key elements and objectives of a SEA were discussed as well as what constitutes the SEA process. The EIA and SEA processes were compared to achieve a better understanding of what a SEA is and what it is not. The SEA process was then briefly discussed within the context of South Africa. Lastly, a conceptual framework for this study was developed to better understand the linkages that were present between the various concepts used.

## **Chapter 3**

### **Methodology**

#### **3.1 Introduction**

The aim of this research was to examine the governance processes within the Draft Mkhondeni Stream Catchment (MSC) area Strategic Environmental Assessment (SEA) with particular reference to public participation. In this chapter the research methods used in achieving the aim and objectives of the study will be explained, and why these specific methods were chosen in data collection and interpretation will be explained. The data that were collected and analysed presented a clearer picture of the public participation processes within the Draft MSC area SEA and contribute to the success of future public participation processes within the local government context. In this chapter the qualitative methods used will be outlined i.e. key informant interviews, random sample of the community, site visits, and literature review, and the limitations encountered with regards to the compilation of this research will be explained.

#### **3.2 Intensive Research Design (Qualitative Approach)**

This study follows an intensive research design. According to Sayer (1985) in Kitchen and Tate (2000: 16), an intensive research design aims to produce ‘causal explanations’ while at the same time necessitates those qualitative methods of data collection to be used such as interactive interviews and participant observation. For the purposes of this study interviews were deemed more appropriate.

In order to better understand the public participation process within the Draft MSC area SEA, a qualitative methodology was adopted. According to Van Maanen (1979: 520) in Welman *et al.* (2005) a qualitative approach is an umbrella phrase ‘covering an array of interpretative techniques which seek to describe, decode, translate, and otherwise come to terms with the meaning of naturally occurring phenomena in the social world.’ Due to the social nature of this research the qualitative approach was deemed to be more suitable than a quantitative approach. A quantitative approach ‘follows strict natural-scientific methods when collecting and interpreting data’ as opposed to a qualitative approach that allows one to ‘understand human behaviour from the perspectives of the people involved’ (Welman *et al.* 2005: 6).

In order to understand how the public participation processes have played out within the Draft MSC area SEA, it was necessary to obtain qualitative data in the form of perceptions and attitudes of individuals. The qualitative data were collected from key informants and it allowed for a better understanding of the factors and relationships that have shaped the public participation process.

According to Kitchin and Tate (2000) there is more to collecting qualitative data, than just conducting interviews or observing people. There are also different ways to approach qualitative data production, for example, action research, case studies and descriptive research (Kitchin and Tate 2000). In this study a case study approach was used, 'where research is directed towards specific cases in real-life settings' (Kitchin and Tate 2000: 213). This research seeks to understand the governance processes such as public participation and strategic environmental assessments and in particular the public participation within SEAs using the Draft MSC area SEA in the greater Pietermaritzburg area as a case study.

### **3.3 Qualitative Data Analysis**

There are two main qualitative techniques of primary data collection according to Kitchin and Tate (2000) and these are: interviews and observation. Due to the nature and limitations of this study, it was deemed more suitable to use interviews as a qualitative technique rather than observation.

The data collected from this study were analysed using various methods of data analysis. As noted by Dey (1993) in Kitchin and Tate (2000: 230), this approach is called the 'omelette approach' which is described as breaking down data and 'beating the bits together', and further consists of describing, classifying, and interconnecting the data. The data collected from the study were firstly divided into themes, and then interpretative analysis was made to gain a better understanding of the collected data in relation to the theory underlying the study. The analysed data were then linked to concepts that were covered within the literature review to identify the relationship between various themes.

### **3.4 Primary Data Sources**

Data for this study were collected from both primary and secondary sources. Primary data according to Welman *et al.* (2005:149) is 'original data collected by the researcher for the purpose of his or her own study at hand'. This type of data were vital for this study in

particular and research in general because it allows the researcher to be aware of how the research material was collected as well as all the limitations that were present. The primary data for this study was obtained from key informant interviews and a site visit. Secondary data sources consisted of local newspaper articles and other documents such as the Draft MSC area SEA.

### **3.4.1 Key Informant Interviews**

Interviews formed a pertinent part of this study. An interview according to Kitchin and Tate (2000: 213) is ‘the most commonly used qualitative technique,’ as it is a method that allows the researcher to produce data which is varied and rich in an informal setting. According to Kitchin and Tate (2000: 213) interviews allow for ‘a more thorough examination of the experiences, feelings and opinions that closed questions could never hope to capture’. For the purpose of this study, a semi-structured open-ended interview was deemed the most appropriate type of interview to be used.

‘In semi-structured interviews the researcher has a list of themes and questions to be covered, although these may vary from one interview to the next...interview guides are used.’ (Welman *et al.* 2005: 166). This type of interview was deemed to be the most suitable for this study (Refer to Appendix C). A semi-structured interview allows for the researcher to have a certain level of flexibility. The questions may be adapted according to the respondent’s background or educational level (Welman *et al.* 2005). Due to the limited response with the personal interviews, additional email interviews were conducted by having interview schedules sent out to allow for a greater cross-section of opinions to be heard to add to the value of this study.

Interviews were conducted with key stakeholders in accordance to the stakeholder’s relevance to the Draft Mkhondeni Stream Catchment area SEA. This allowed for a greater understanding of their personal opinions. The master copy of the Interested and Affected Parties (I & APs) list in the Draft MSC area SEA appendices made it possible to determine who the key informants were and to contact them. Before the interviews were conducted, clearance from the Faculty of Science at the University of KwaZulu-Natal (Pietermaritzburg Campus) was needed for ethical reasons to ensure that certain standards were adhered to during the interviews and the research procedure. In order to approach the key stakeholder interviews a step by step process was adopted. Step 1 involved the interrogation of the I & AP

list and the identification of target groups. Step 2 involved the random selection of 10 key informants to be interviewed. These 10 key informants were chosen to meet the needs of the pre-identified target groups in step 1 and thus the key informants came from various affiliations, such as local government, provincial government, private sector, NGOs, working class and civil society, to allow for a cross-section of views to be heard. Step 3 involved making contact with the key stakeholders to secure interviews with them. However, interviews were conducted with only 6 of the 10 informants' identified due to logistical reasons (Refer to Table 4).

**Table 4: The Semi-structured interviews conducted for this study**

*Respondents	Affiliation or Group	Position	Targeted Groups
Respondent 1	Environmental Consultant	Head Consultant <sup>1</sup>	Private Sector
Respondent 2	Msunduzi Municipality	Environmental Manager <sup>1</sup>	Local Government
Respondent 3	PMMBT	Chairman <sup>1</sup>	NGO
Respondent 4	PMMBT	Member <sup>1</sup>	NGO
Respondent 5	Democratic Alliance	Ward Councilor <sup>1</sup>	Local Government
Respondent 6	Msunduzi Municipality	Economic Development <sup>1</sup>	Local Government
Respondent 7	Local Resident	Student <sup>2</sup>	Civil Society
Respondent 8	Total Filling Station	Manager <sup>2</sup>	Civil Society
Respondent 9	Kwikspar	Manager <sup>2</sup>	Civil Society
Respondent 10	Ashburton Butchery	Manager <sup>2</sup>	Civil Society
Respondent 11	Email Interviewee 1	Registered I & AP 1 <sup>2</sup>	Civil Society/ Private Sector
Respondent 12	Email Interviewee 2	Registered I & AP 2 <sup>2</sup>	Civil Society/ Private Sector
Respondent 13	Email Interviewee 3	Registered I & AP 3 <sup>2</sup>	Private Sector
Respondent 14	Email Interviewee 4	Registered I & AP 4 <sup>2</sup>	Provincial Government
Respondent 15	Email Interviewee 5	Registered I & AP 5 <sup>2</sup>	Provincial Government

\* Interviews conducted between 25/10/07 – 23/11/07.

<sup>1</sup> First group of stakeholders identified – only 6 of the 10 initially identified were available for interviews.

<sup>2</sup> Second group of stakeholders identified to allow for the various target groups to be met.

Therefore, due to the limited number of people available to be interviewed from the 10 key informants identified, step 4 was to randomly choose a further 9 individuals to ensure that the target groups identified in step 1 were covered. These 9 individuals were randomly chosen because of their physical location in relation to the study area, and the available contact details from the list of registered I & APs to make up a total of 15 key informants. Four out of

nine of the key informants that were identified worked or resided within the study area. It is assumed for the purposes of this study that they represented the views of the individuals who worked in the area e.g. the filling station and butchery, and who also lived in Ashburton as they were part of the general public and did not appear to have a vested interest in the area. Five out of nine of the informants were contacted via email to give comment. This was deemed necessary as only their email details were made available and because not all informants that were identified at the start of this research were on hand for comment. The additional informants allowed for a more objective view to be reached by allowing a greater cross-section to be heard.

### **3.4.2 Site Visit**

As a requirement for the Masters of Environment and Development programme at the Centre for Environment, Agriculture and Development (CEAD), University of KwaZulu-Natal, eight students, including myself were given in March 2007 the challenge of preparing a critical review of the Draft MSC area SEA. As a result, a site visit was deemed necessary. During the site visit presentations were made by the Msunduzi Municipality, DAEA, the consultants undertaking the SEA, and the representatives of PMMBT. The CEAD masters students spent three days in the study area and were given an additional day to complete the report. The resultant site report was therefore the product of a rapid appraisal process which dealt with six different areas i.e:

1. an international context for SEAs,
2. an evaluation of SEA methodologies and practices in South Africa,
3. a critical review of the terms of reference for the Draft MSC area SEA,
4. an assessment of the extent to which the SEA has complied with the Terms of Reference (ToR),
5. the undertaking of the SEA without an existing Environmental Management Framework (EMF), and
6. the extent to which the SEA balances development and environmental concerns.

The information collected from the site visit and site report provided a more in-depth examination of the Draft MSC area SEA because it allowed for a critique to be made on whether the Draft MSC area SEA document met the ToR.



### **3.5 Secondary Data Sources**

Secondary data were deemed to be necessary for this study. According to Welman (2005: 149), secondary data are ‘information collected by individuals or agencies and institutions other than the researcher him- or herself’, it is data that have already been analysed. The secondary data collected provided the necessary background information, and allowed relevant theories and concepts to contribute to the literature review, building the basis of this study. The secondary data were found via local newspaper articles, journal articles, books, research papers, local documents such as the local Integrated Development Plan (IDP), as well as the internet.

#### **3.5.1 Newspaper Articles**

Local newspaper articles relating to the Draft MSC area SEA were collected. This meant that the various comments put forward by various stakeholders could be noted, helping inform this study. Articles were selected according to their relevance.

#### **3.5.2 Literature Examination**

A variety of literature resources pertaining or relating to the Draft MSC area SEA were reviewed and interpreted with the Draft Mkhondeni Stream Catchment area SEA itself being part of this examination. This provided for a greater understanding of the various framings in which the Draft MSC area SEA was presented. The literature gathered was done so according to its relevance to the study.

### **3.6 Sampling**

For the purpose of this study, purposive sampling was identified as being appropriate together with simple random sampling. Purposive sampling was used to identify the key stakeholders that were involved in the public participation processes and in the compilation of the MSC area SEA i.e. individuals from the Department of Agriculture and Environmental Affairs (DAEA); the PMMBT; the Msunduzi Municipality; the consulting company dealing with the SEA; business owners within the Ashburton area; and local residents. Table 4 tabulates a list of all key informants interviewed. These key informants were chosen and interviewed in order to understand their perceptions and concerns in relation to public participation processes and the Draft MSC area SEA. Within the framework of a case study approach, it was nevertheless important to identify key informants. These were chosen for their role in relation to the SEA. They represented key organisations. Welman *et al.* (2005: 69) note that purposive

sampling is ‘...the most important type of non-probability sampling...’ and it aims to ‘...deliberately obtain units of analysis in such a manner that the sample obtained may be regarded as being representative of the relevant population.’ However, as further noted by Welman *et al.* (2005: 69) ‘the problem with this kind of sampling is that different researchers may proceed in different ways to obtain such a sample and therefore it is impossible to evaluate the extent to which such samples are representative of the relevant population.’

The chosen sampling method was used with the intention to sample in a more random fashion by identifying people from the list of I & APs and from the area with the idea of creating an independent reference group, a less expert group but people who could be thought of as being important in the context of a participative democracy. Although participative democracy is a positive concept as it promotes public participation in as many sectors as possible, in practice the public is often alienated from or blocked from involvement in most public policy decision-making (Pellow 1999). The simple random sampling took place in various steps. Step 1 involved the systematically looking through the I & AP list at every 5<sup>th</sup> individual listed. Step 2 was to ensure that the selected individual had contact details that were correct so that the individual could be reached. Step 3 was undertaken if during step 2 contact details were not found or found not to be in order. Therefore, this study aimed in its methodology to use simple random sampling to incorporate a less expert group comprising community members and workers within the area.

### **3.7 Limitations of the study**

This study is primarily based upon qualitative data, which does allow for problems to arise. However, there was one major limitation with regards to the contacting of key informants. It was found that with some of the key informants that were initially identified to be interviewed, their current contact details were not available. This may not have allowed for a good cross-section of I & APs’ opinions to be captured. Nevertheless, every effort was made to contact those people thought to be absolutely essential to gaining a picture of governance and public participation issues.

### **3.8 Summary**

This study presented great difficulties due to one main aspect: difficulty in securing interviews. The interviews took place over a short time and not all those that one hoped to interview were available. However, a resultant suitable cross-section of comments surrounding the participation process was collected. The methodology was adopted in an attempt to achieve a scientific study and to make this study beneficial not only on a research level but on an educational level as well i.e. case study learning approach. The data collection was a complicated process due to the key informants having busy work schedules. In the data sampling process a total of 15 key informants were identified and contacted. The data analysis made use of various techniques which sought to identify themes within the data and link these to the theory within this study. The analysis was a lengthy process as key informant interview dates were difficult to schedule due to interviewees' busy schedules.

## **Chapter 4**

### **Analysis of Results**

#### **4.1 Introduction**

This study aimed to examine the public participation processes within the Draft Mkhondeni Stream Catchment (MSC) area SEA. Firstly, in order to achieve this aim, the SEA and public participation legislation were examined as part of the theoretical context in which this study was undertaken. This aspect of the dissertation was covered in the literature review, Chapter 2. Secondly, there was a need to understand the public participation process within the Draft MSC area SEA and, thirdly, to see whether the process was adequate. Lastly, an investigation was undertaken of the way the Draft MSC area SEA was framed and reframed by key stakeholders to gain a better understanding of the manner in which the public participation within the Draft MSC area SEA was viewed. This chapter will attempt to understand the public participation process within the Draft MSC area SEA and establish whether the process was adequate. In order to determine the adequateness of the process it will be compared to the recommended best practice for a SEA as well as the minimum requirements for public participation within an EIA as it is the closest legislated environmental tool.

In order to meet these objectives and ultimately achieve the aim of this study, the data collected via semi-structured, open-ended interviews, were divided into 8 themes that are central to this study:

- organised representation or formally constituted organisations,
- a random survey of the community,
- flexibility regarding participation with the SEA process and trust,
- lack of clarity on a SEA and its process,
- learning process,
- education, and
- social need.

These themes were considered in relation to the relevant concepts discussed in the literature review such as good governance, SEA, and public participation practices. Furthermore, the Draft MSC area SEA was analysed in terms of the entire public participation process i.e.

direct consultation and indirect consultation, which was conducted. It also is important to note that all opinions given by the interviewees were taken into consideration.

#### **4.2 SEA and Public Participation Legislation**

In considering the public participation process within the Draft MSC area SEA, there was a need to examine the legislation that governs public participation within the SEA. As discussed within the conceptual framework, there is no legislation with regard to public participation within a SEA and the SEA process; rather DEAT (2004) proposes recommendations for best practice. There is, however, legislation that relates to the public participation process, which is discussed in detail in Chapter 2. In addition to examining the legislation in relation to a SEA and public participation it was also deemed necessary to look at the level at which key stakeholders understand the legislation.

Amongst the respondents interviewed, there was a very limited knowledge of legislation relating to SEAs and public participation. The Environmental Manager of the Msunduzi Municipality (Respondent Two) noted that the use of a SEA is a new process, being the first of its kind in the Pietermaritzburg area. The newness of the SEA process is underscored by the lack of legislation provided for the process in the South Africa and by the fact that there is more than one definition assigned to a SEA, and this definition in most cases is closely aligned to the vision or goal of the organisation in question (Box 2). However, there was some knowledge about a SEA among the respondents. As stated by the Environmental Consultant (Respondent One) a SEA 'is a decision-making tool which allows informed view decision-making, it's not a statute sheet document.' This respondent's statement reflects the views of the better informed respondents namely that a SEA is a decision-making tool as stated by DEAT and CSIR (2000) who state that a SEA provides guidelines to ensure that development is within sustainable limits.

There was a greater recognition of public participation within an EIA as noted by 9 out of 15 respondents (60%), as opposed to public participation within a SEA. The Environmental Consultant (Respondent One) stated that the new regulations for EIAs are very prescriptive and are more specific in terms of public participation. The EIA Guidelines within DEAT (1998) have statutory requirements for public participation within the EIA process. Public participation was acknowledged by respondents to be present within both the EIA and SEA processes. The concept of public participation according to the PMMBT Chairman

(Respondent Three) acknowledged that even though the PMMBT has limited knowledge of the details, public participation is a key element within both of the EIA and SEA process. The Ward Councilor (Respondent Five) further added that the present government relies a lot on public participation. The common theme that arose among a majority of the respondents, 12 out of 15 of the respondents (80%), was that even though the concept of public participation is within the legislation, the opinion that the authorities actually listen and take the public's comments into consideration is highly subjective. The issue of trust, namely trust that the government will sincerely listen to public comment is a crucial one. This is noted by Arnstein (1969) as being one of the main challenges encountered with society's perception of public participation: that irrespective of the input that society gives towards a decision, it is in the end not utilised, but participation is encouraged to merely create a façade of participation. This feeling is further reiterated by the Chairman of the PMMBT (Respondent Three) when he said that although within local governance there are all these regulations in place, IDPs and SEAs, people still go 'off on a mission and do exactly what they want'. 'You can't just have statutory laws and say this is how we are going to govern ourselves especially if it's not expressing the needs of the people' (PMMBT Member - Respondent Four). The building of relationships and trust between government and society is a crucial factor yet a complex one. It involves trust that voices will be heard and that whatever legislation is present is adhered to. Hajer and Wagenaar (2003) proposed that politics and the process of policy making cannot be just about the finding of solutions but rather should be about finding formats that create a relationship of trust between stakeholders.

South Africa has emerged from an apartheid style autocratic government system into a democratically driven government system and yet the concepts of SEA and public participation are still concepts that are not fully implemented in practice as noted from the research for this study. SEA and public participation are '...processes that we have not mastered at this stage yet...' however, they do allow people to have a '...chance to participate even if it's a framework to say what they think they need in their area' (Head of Economic Development for Msunduzi Municipality - Respondent Six). Increased public participation promotes the concept of expansive democracy which is characterised by increased participation and inclusion of individuals who are affected in the decision-making process (Hajer and Wagenaar 2003). It is this participatory approach, which is entrenched in the constitution that is increasingly being adopted to bring about expansive democracy in the true sense.

### **4.3 The Public Participation Process within the MSC area SEA**

The public participation process within the Draft MSC area SEA was made up of various elements. The process comprised direct consultation such as a steering committee and public meetings, and indirect consultation such as advertisements and comment on the Draft SEA. As noted by Nicolson (2006), within the Draft SEA the need and way forward for public participation within the process was decided upon by the terms of reference as well as the steering committee.

#### **4.3.1 Direct Consultation**

##### **(a) The Role of the Steering Committee**

Consultation that was carried out directly was done so through discussions and meetings with relevant authorities and interest groups. A steering committee was established to enable a higher degree of communication to be achieved. The steering committee comprised the consultants, the Msunduzi Municipality, the developers, the Department of Agriculture and Environmental Affairs (DAEA), the ward councilor for the area, and representatives from the PMMBT (Nicolson 2006). According to Nicolson (2006) the establishment of the steering committee made possible consultation and interactions with key organisations other than the Msunduzi Municipality. The key organisations that the steering committee interacted with and consulted with were Umgeni Water; Ezemvelo KwaZulu Natal Wildlife (EKZNW) (which are seen by the Municipality to be able to make the greatest contribution due to the area being rich in biodiversity); Agricultural Directorate of the Department of Agriculture and Environmental Affairs and the Department of Water Affairs; and Forestry (DWAF). It was further noted that there was consultation with Eskom and the South African National Roads Agency due to possible impact on infrastructure within the area; however, these agencies were not on the steering committee. According to the PMMBT Chairman (Respondent Three) with regards to the SEA, 'there was no process to identify I & APs, other than to advertise the project and to request that I & APs make themselves available or to contribute to the process'. It was also noted that there was no formal process for the identification and selection of members for the steering committee: members were selected as deemed necessary by the Municipality. Also, with regards to the steering committee the Environmental Consultant (Respondent One) noted that the 'real beneficiary development prerequisites such as home and job seekers, and also the actual land owners are in fact not well represented on the steering committee'.

### **(b) Public Meetings**

Public meetings were deemed to be necessary to engage the communities in the affected area. According to Nicolson (2006), two public meetings were held at the Maritzburg Golf Club, one on the 13<sup>th</sup> of September 2006 (76 attendees) and one on the 19<sup>th</sup> of October 2006, both of which were at 18h00. The meetings were an attempt to allow the public to actively engage with the consultants and relevant authorities to voice their opinions. All the comments that were aired were noted and are present within the Draft SEA appendices and were also circulated among all registered I & APs. At the first of the two meetings a document containing the agenda, background information which included the terms of reference, a list of potential environmental concerns, and an aerial photograph of the study area and its environs was handed out to all attendees. The second meeting was used to discuss and report back on the outcomes of the first meeting.

The Ward Councilor (Respondent Five) noted that the presentations at the meetings were understandable and professional with sufficient detail. One of the most common barriers to good public participation processes, as identified by the Ward Councilor (Respondent Five), was that in some cases, other than this SEA, there is often a language problem. This results in a need for the presenters to assess the situation so they may handle it according to the majority of people there and 'they usually ask the people if they need translation or not as the fact is that the language capabilities of the people are not really as we'd like them to be' (Ward Councilor - Respondent Five). Khan (1998) notes that most often inappropriate methods are used and one such is the use of a language that is not commonly understood by the local target community. Language barriers during the public meeting were not an issue with regards to this SEA. However, an issue that did arise was the unsuitable scheduling of the public meetings that were held. Two of the respondents spoke of the inappropriate venue and times at which the public meetings were held. Due to the late hour and unsuitable location people dependent on public transport could not attend. Public meetings held in inaccessible venues or at inconvenient times according Khan (1998) also constitute poor public participation practices.

In light of the above issues, the public meetings followed poor public participation practices. The direct consultation component within the Mkhondeni SEA was thus seen to be inadequate in relation to the total population of individuals that are found within the area. As noted within a report done by Masters students (2007) at the Center for Environment, Agriculture



and Development (CEAD), there was inadequate compliance observed with regards to that of direct consultation because the communities (which may also be affected) living under the Amaximba Tribal Authority areas did not participate in the process. This was established from examining the minutes of the meeting and the response forms and the fact that meetings were held at night in Pietermaritzburg and not in the local or study area. It must be noted that it was unclear how many individuals were invited or knew of the public meetings as invitations could have been made by word of mouth and by print media.

#### **4.3.2 Indirect Consultation**

##### **(a) Advertisements**

The print media was another medium used to create awareness and invite comment from all I & APs. According to Nicolson (2006: 75) 'advertisements were placed in The Natal Witness Newspaper on two occasions in the week before the two public meetings were held. Nicolson (2006) notes that these advertisements contained all the relevant information such as the conducting of the SEA and an invitation to register as an I & AP or receive additional information. According to Nicolson (2006) there were 104 I & APs who came forward to be registered to participate in the SEA process, as a result of the advertisement, word of mouth, and the public meetings.

The advertisements that were placed for the Draft MSC area SEA were a point of concern. The Ward Councilor (Respondent Five) stated that when advertisements are placed in the newspaper, the assumption that they will be sufficient is questionable. 'I'm not sure that the general public actually realise which part of the newspaper to look at, however, one way or another they do get notified but the numbers are never amazing in terms of how many people are truly affected' (Ward Councilor - Respondent Five).

The use of the print media in the case of the Draft Mkhondeni SEA proved to be insufficient. This sentiment was echoed in a report done by Masters students (2007) at CEAD that the coverage of the MSC Area SEA within the print media was inadequate. According to the CEAD Masters Students (2007) the Natal Witness was the only newspaper that was being used and it is not a free newspaper, and as a result the paper therefore only reaches English speaking communities that can afford a newspaper. The CEAD Masters Students' report (2007) proposed that free newspapers or newspapers in indigenous languages should have also been used, as well as local radio stations to reach a greater audience.

**(b) Comment allowance**

Within the Mkhondeni Stream Catchment Area SEA there were allowances made for comments to be made especially with regards to the drafting of the SEA report. All comments in the form of written submissions prior to the first drafting of the SEA are found as an annexure within the Draft SEA report. As noted by Nicolson (2006), the main concerns were those relating to infrastructure and city management, environmental quality, planning and development matters, and the validity of the procedure within the SEA process. It was noted by the Head of Economic Development for the Msunduzi Municipality (Respondent Six) that 'it's only people who are interested in an issue that will offer some comment. Normally people are just quite content to go about with their lives, they are not interested'. It is usually public participation processes such as this SEA that initiate the development of social movements as it forces individuals to react to an issue and respond through the organisation of groups. Social movements according to Dryzek *et al.* (2003) are characterised as an association or set of associations organised around a common interest that seeks to influence collective outcomes. In the case of the MSC Area SEA the PMMBT was one such environmental group which was formed primarily from a need to preserve the biodiversity and character of its immediate environment. The formation of the PMMBT allowed there to be a more organised flow of comments during the SEA process than there otherwise would have been. The organisation also attempted to address the problem of people not being 'interested' or without a mechanism to have their corporate voices heard within the process as opposed to frequent individual requests, as suggested by the Head of Economic Development for the Msunduzi Municipality (Respondent Six) . The issue of comment allowance within any assessment is crucial, but comment allowance within this SEA proved to be inadequate. According to the report that was compiled by the CEAD Masters Students (2007: 17), the Draft Mkhondeni SEA in light of the ToR saw the comment allowance as inadequate as 'even though comments were received, there was a lack of diversity amongst the people making the comments, perhaps indicating that many people in the tribal community and the informal settlements may have not been made aware of the issue.'

**(c) Print Media Publicity**

Another manner in which the Draft Mkhondeni Stream Catchment Area SEA was advertised indirectly was the media attention it received within the local newspapers. More than 10 articles were published from the beginning of 2006 to the end of 2007 in the local newspaper

with regards to the SEA. On 3 separate occasions the headlines read ‘Residents demand a role in city planning, Battle for city’s greenbelt and Whither Ashburton?’ (Naidoo May 2006, Naidoo August 2006, Coan June 2007). The articles that were published were partly in response to the concerns raised by the PMMBT and partly due to general publicizing of the SEA. Whatever the issue may be that was raised with relation to the SEA process, the Head of Economic Development for the Msunduzi Municipality (Respondent Six) acknowledged that there have been people living within the area for a number of years and there is a need to ensure that their views are taken into consideration and that whatever is done is rational, that smokestack development is not brought into the area, that whatever is done is environmentally friendly. Development must be planned over a period of time and people must know what is coming in and if they do not like it then they should move out. It is imperative for all the stakeholders concerned to be aware of what the nature of any development is, if there is concern around it. One of the main issues put forward within the articles by the individuals heading the process was that however large the development is that it aims to be environmentally friendly. However, one method to dissipate the criticism might be that of increased transparency within the process and developmental plans. According to Weiss (2000) good level of transparency is a crucial element in the promotion of good governance practice. The print media in this instance enabled a dialogue to be created between the public and the developers that raised issues that the public had and allowed for the project facilitators and developers to respond. This enabled an increased level of transparency to be present.

#### **4.4 To Determine whether the Deliberation or Public Participation Process was Adequate**

One of the objectives within this study was to determine whether the deliberation or public participation process was adequate. The respondents were asked their opinion on whether there was adequate public participation in the MSC Area SEA. As a result various themes emerged amongst all who responded, these being the themes of organised representation, cross-section representation, flexibility within the SEA process, and trust.

##### **4.4.1 Organised Representation or Formally Constituted Organisations**

Organised representation is usually manifested in the form of social movements. In the case of the Draft MSC area SEA the organised representation is the PMMBT which is a community-based action body which promotes the preservation of the biodiversity in and

around the Ashburton area. The Mkhondeni area falls in their area of focus. Wilkinson (1971) in Short (1993) notes that social movements will promote change in any direction by any means and is mostly achieved by the way they frame their arguments in the hope of obtaining a particular outcome and changing the status quo. The PMMBT in this instance does not want the new development to occur. This point of view is reflected by the actions of the group in the case of the Draft MSC area SEA. The Chairman of the PMMBT (Respondent Three) noted that emails were sent out to all people within the PMMBT's database which consisted of all interested parties. The PMMBT Chairman (Respondent Three) further states that unfortunately those contacts made via the trust made up the majority of individuals present at the SEA public meetings. This could be viewed as unfair tactics on the part of the Trust: the Head of Economic Development for the Msunduzi Municipality (Respondent Six) argued that the Trust stirred up emotion which is totally unfair; and in a bid to promote their cause they invited specific people who do not reside within the affected area because they were articulate and knew what they were talking about: this gives the impression that they are this voice of a big community group. 'The greatest needs are not fully articulated by the majority of landowners and workers in the area as opposed to certain local interest groups who may in fact have that normative influence because they are well organised and well informed' (Head of Economic Development, Msunduzi Municipality - Respondent Six). The Environmental Consultant (Respondent One) acknowledged that one of the tactics used by community organisations in decision-making processes is to claim not to have been consulted or made aware of the development occurring at the time because their agenda is to not allow development to happen. Nevertheless, whether the representation was one of an organised manner or, a common complaint amongst all respondents was that, apart from the PMMBT, there was a lack of good representation from the various other groups found within the area. Also, it must be acknowledged that the public process in and of itself was flawed in terms of the representation at the public meetings. As the individuals that were present at the public meetings mainly consisted of PMMBT members and not a range of stakeholders. The PMMBT identified the inadequate public participation process as the problem and acted on this by creating a formally constituted organisation to represent their views.

Organised representation in the form of the social movements, in this case the PMMBT, are aware that the state is an entity that has much power and great influence and therefore is not an adversary to be taken on lightly. As noted by Short (1993), if people do intend to challenge the state then they need to have a very good reason to do so. The PMMBT, according to the

Msunduzi Municipality Environmental Manager (Respondent Two), 'is certainly the strongest group representing the community who would like to see no development or very little development of that area'. Their main reason for being anti-development is due to the biodiversity found in the area and the sense of place they find in the undeveloped character of the area, which is what, attracted them there in the first place. Members of the PMMBT continually felt they need to be putting pressure on authorities: as they felt that if they do not nothing is going to happen or the process will not be carried out properly.

Another reason why there may have been a lack of proper representation at the public meetings may also be due to a lack of adequate public participation protocol on the part of the government and according to the Environmental Consultant (Respondent One) there was a basic 'lack of capacity of the people doing it and the people to respond to it'. The Msunduzi Municipality Environmental Manager (Respondent Two) noted that 'the fact that the community hasn't worked with us as well as they possibly should have, is disappointing.' However, as long as the community feels that its 'needs are not being met or prioritised there will be objections because you are going to have people from two extremes trying to find a middle road which is not always easy and suits a majority of people' (Ward Councilor - Respondent 5 ).

Organised representation was also seen to be crucial as the exact SEA process was new and unclear to most and so a 'watch dog' organisation was required. The public participation element within the SEA process was also lacking clarity. According to the Msunduzi Municipality Environmental Manager (Respondent Two), due to the very nature of a SEA being strategic, there should be less need to consult in great detail on specific sites but rather to put forward general kinds of ideas to the public and say these constitute the general proposal for the entire area and welcome whatever comments on those may be.

#### **4.4.2 A Random Survey of the Community**

The other theme that was common to the respondents was that of cross-section representation, which refers to the lack of a proper cross-section of individuals such as the working class and informal settlers found within the area. As noted by the PMMBT Chairman (Respondent Three) the individuals that were represented were purely that of the property owners in the area. The lack of a proper cross-section of representation became one of the problems with the SEA process in that it did not reach the working people in the area such as the squatters, who

should be incorporated in the SEA as the SEA covers a big area. The lack of representation could be due to either inappropriate participation practices which was discussed previously, or lack of educational capacity. Khan (1998) noted that there is a lack of educational capacity amongst previously disadvantaged individuals and proposes that broad-based participation needs to be promoted if the public, and in this case particularly the historically disadvantaged, is to be engaged as an equal partner in responsible environmental decision-making. The Environmental Consultant (Respondent One) further explained that the reason why certain people are not represented, for example, the people who are living in the informal settlements, is because they just don't have that capacity to deal with the information given. 'I think a lot of people out there, the poorer people, the disadvantaged people who just don't have that type of capacity or confidence to represent themselves end up not participating fully while you'll get a group of well educated white middle class people who are well informed and have their own particular interests and are very capable of participating and pushing the agenda' (Environmental Consultant - Respondent One). However in the Constitution of South Africa and NEMA, among other legislation, there is provision made for both the groups mentioned above, the working class and middle class, to voice their opinion whether they use that right or not, they are quite entitled to it.

The issue of representation with a better cross-section was echoed by most respondents. The Head of Economic Development of the Msunduzi Municipality (Respondent Six) acknowledged that there should have been a better cross-section of the I & APs who are found in and around the area. Khan (1998) noted that the stereotypical reasoning with regard to the lack of involvement of the working class within the decision-making process often revolves around issues of survival, with conservation or the environment often being perceived as a peripheral issue, and thus of little relevance to their lives. This was not the reason for lack of involvement within this SEA. As noted by four of the respondents interviewed, the fact that they did not live in the area or that the result of the SEA would not affect them directly was the main reason for their lack of involvement.

The public participation process within the Draft MSC area SEA may have allowed for 'enough scope for the communities to raise their views but there is uncertainty as to whether the correct cross-section of the people in Ashburton responded' (Head of Economic Development for the Msunduzi Municipality - Respondent Six). One of the ways that a broader cross-section could have been reached according to the Chairman of the PMMBT

(Respondent Three) was possibly if radio advertising was used and if the people in the townships in the area were met in person. The use of correct public participation methods is crucial to the level of success within a SEA. According to Khan (1998), inappropriate techniques prove to be harmful, often intimidating the very communities they are attempting to involve. On the other hand, it is acknowledged that genuine public participation should involve more than mere consultation (Khan 1998). The Head of Economic Development from the Msunduzi Municipality (Respondent Six) said: 'I was disappointed in the fact that we were hearing one voice only, we were not hearing the other voices saying "Hey, we actually support the development but we want it done in a rational kind of way"'.

Good representation in any study dealing with social and environmental issues is vital to that study's success and credibility. Within the Draft Mkhondeni SEA the majority of respondents, 12 out of 15 (80 %), acknowledged that there was poor representation in the public participation process. As noted in a report done by Masters students (2007) at CEAD, the representation was inadequate. According to the CEAD Masters Students report (2007: 17) 'Two public meetings were held but the representation was limited to one group mainly residing in the formal part of Ashburton...there was no representation of communities residing in tribal communities. The "silent majority" as the SEA makes reference to has not been catered for adequately'. The inadequate representation is attributed to the lack of proper identification of I & APs (direct consultation) to allow their full involvement throughout the process and the print media was primarily targeted towards the English speakers within the area (indirect consultation).

#### **4.4.3 Flexibility regarding Participation within the SEA Process**

Lastly, the theme of flexibility within the SEA process is noted among the respondents: flexibility in that the Draft MSC area SEA does not have strict legislation to follow but rather best practice recommendations were proposed. Partidário (n.d.) noted that SEA should be a flexible process, which is adaptable to the policy and planning systems within the particular context in which it is found. The SEA is an approach which has proven to be an important environmental assessment tool and which should ideally use its key principles within existing systems and be continuous and adaptive as opposed to it being a simple linear and technical approach.

The SEA process within this context does allow for a certain level of flexibility in the public participation process. ‘We’ve actually gone out of our way to accommodate certain requirements and I think, in my opinion that the process has been a reasonable one’ (Msunduzi Municipality Environmental Manager - Respondent Two). The Environmental Consultant (Respondent One) acknowledged that the time frames and SEA process were adapted according to the issues that cropped up, especially in relation to the public comment given, for example the need for a more in depth seasonal biodiversity study. ‘You know you’re in a catch 22 in these sorts of things... I mean it was extended for those additional studies’ (Ward Councilor - Respondent Five). The consultants that were responsible for carrying out the SEA process were very accommodating in terms of one on one consultation: according to the Environmental Consultant (Respondent One) everyone who wrote to the consultant with a comment or view received a personal response. Consultation between the consultant and the public was not left just to times assigned to public participation processes.

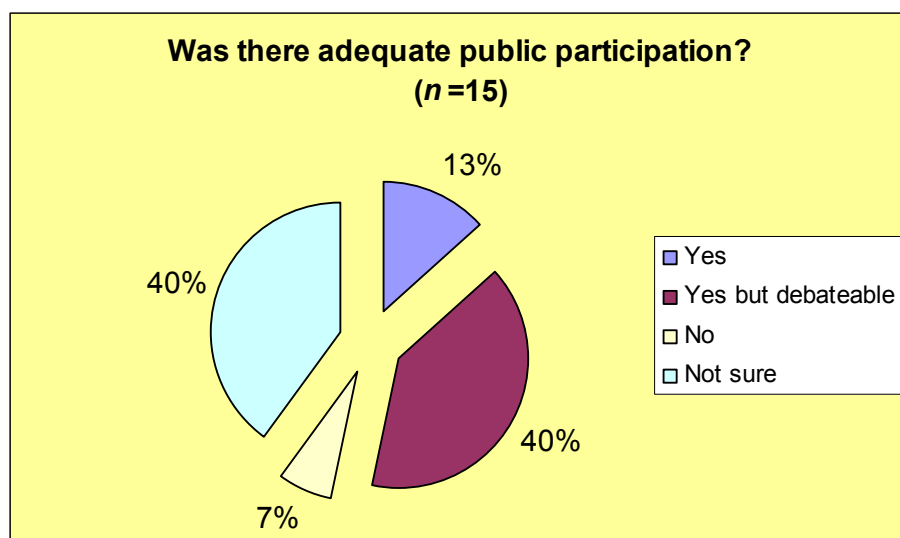
#### **4.4.4 Trust**

The problem that did appear as being dominant was that of trust. According to the Head of Economic Development in the Msunduzi Municipality (Respondent Six) the people had an opportunity to come to public meetings and to raise their concerns. ‘On the whole everybody had a fair chance, was listened to or recorded and now one can only hope that what was said was taken into consideration’ (Ward Councilor - Respondent Five). The lack of trust shown by the predominantly White community towards the process may in part be due to historical complexities. The lack of trust may come as a result of South Africa’s move towards providing equity to previously disadvantaged individuals through massive political restructuring and policies such as the requirement for Black Economic Empowerment (BEE). This change may be viewed negatively by the White minority. According to a PMMBT member (Respondent Four) they may be overlooked due to more accommodation being given to the Black majority. The lack of trust as mentioned above is not so much the trust among the individuals but rather trust in democratic running of the new government structure.

The question was asked among the respondents as to whether there was adequate public participation within the Draft MSC area SEA. As seen in Figure 6 below, 6 out of 15 (40%) of the respondents agree that there was adequate public participation, however, there is some uncertainty due to the exact public participation being held within a SEA not being legislated. The SEA process is at present a set of recommendations to follow and therefore what is



adequate and what is not will always be a point of contestation until these guidelines are properly defined in the South African context. It was noted that 1 out of 15 (7%) of the respondents did not think that there was adequate public participation as this respondent had only in recent weeks heard about the SEA process that was undertaken. It is also interesting to note that 6 out of 15 (40%) of the respondents were unsure of the adequacy of the participation mainly as result of their distance from the problem. The respondents did not get involved in the SEA process as they only worked in the area and therefore did not feel it was of any immediate concern to them.



**Figure 6: The adequacy of public participation within the SEA**

To ensure adequate public participation, good procedure methodologies should be adhered to. Good procedure methodologies take into consideration individual contexts and apply different procedure methods according to which will best suit the public participation needs. In order for good procedure methodology to be adhered to, five questions are required to be asked. Partidário (n.d: 43) notes that before a SEA is undertaken the following questions need to be asked to enable a basic framework of approach to be established. This would promote appropriate participation methodologies and elements of good governance such as transparency. The questions are:

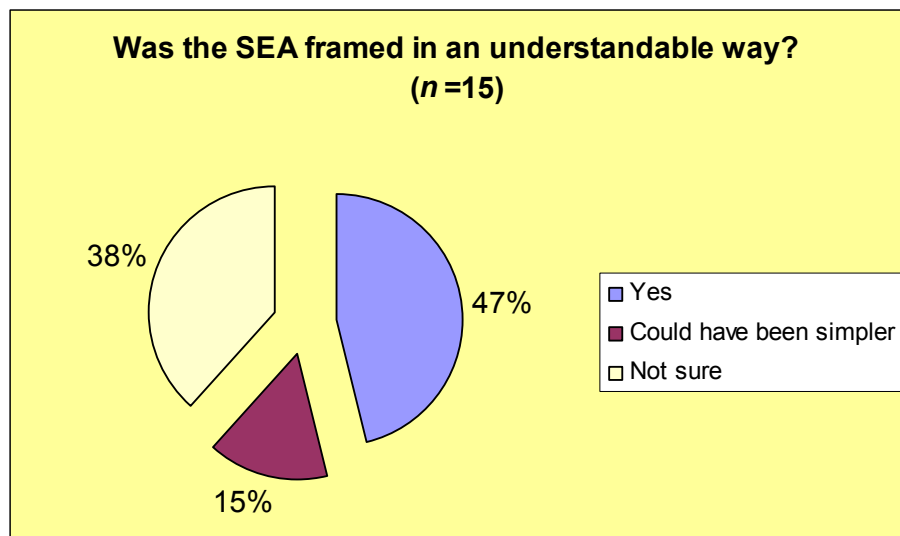
- What do we want, where do we want to go and why?
- What are the options to reach the same goal / aim?
- Which may be future consequences in a sustainability framework?

- What are the opportunities for environmental, social, and economic integration in decision-making?
- Which measures should be adopted, before and after the decision, to avoid negative impacts?

As noted from the above, the main issues that were raised regarding that of the level of public participation revolved around those of organised representation, cross-section representation, flexibility within the SEA process, and trust. In the light of the findings above the level of public participation or deliberation within the Draft MSC area SEA was noted by the respondents to have been adequate however this may have been the case as many of the respondents may have not known what constituted adequate public participation. In light of what adequate constituted within the confines of this study (refer to introduction) the public participation process was deemed to be inadequate. According to Arnstein (1969) the level of participation would fall within the tokenism level which constitutes of 3 rungs i.e. informing, consultation and placation. Each of these vary slightly in participation levels however common to all the rungs is that the citizens may indeed hear and be heard, but under these conditions they lack the power to insure that their views will be heeded by the powerful. The MSC Area SEA did, however, set up a steering committee to help advise and assist with decision-making. Arnstein (1969: 13) calls this level of participation placation and noted that it is simply 'a higher level tokenism because the ground rules allow have-nots to advise, but retain for the power holders the continued right to decide'. However in all processes, especially public participation processes, best practice should be the ultimate goal as it achieves the greatest success.

#### **4.5 The Framing and Reframing of the Draft MSC area SEA**

In addition to examining the public participation process, the author of this study also set out to understand whether the framing of the Draft MSC area SEA added to the level of participation that occurred. In Figure 7 below it can be seen that 6 out of 15 (47%) of respondents found that the Draft MSC area SEA was put across to them in an understandable way. According to the Head of Economic Development for the Msunduzi Municipality (Respondent Six) the relevant authorities were sufficiently honest with everyone about what was going to happen. However, 7 out of 15 (38%) of respondents were not sure whether the SEA was framed in an understandable way. This result was mainly because they did not attend the scheduled public meetings.



**Figure 7: The level of understanding in relation to framing of the SEA**

Further comments received from the respondents revealed for certain themes such as a lack of clarity on what a SEA is and its process, the fact that this particular SEA is a learning process, the issues of trust, education, and social need.

#### **4.5.1 Lack of Clarity on a SEA and its Process**

The most common theme that contributed to the way in which the SEA was framed by all I & APs was mainly a result of a lack of clarity on what a SEA entails. As noted by the Environmental Consultant (Respondent One) there being no single definition given to a SEA adds to the poor framing of the process. There are various meanings assigned to what a SEA is (Box 2). These vary according to the organisation or authority which seeks to use a SEA. Other issues that are related to the lack of clarity, affecting the very framing of the SEA is that the SEA process is not guided by legislation but is still only a guideline to follow as opposed to the EIA process which is legislated for. The Msunduzi Municipality Environmental Manager (Respondent Two) notes that ‘perhaps there’s some confusion between what an SEA is and what an EIA is and which is a legal and which isn’t, and when those processes are supposed to take place’. This confusion may have played a part in the poor framing of the SEA by the community. Through this confusion, controversies can arise and doubting can occur which according to Laws and Rein (2003: 175) may result in a loss of stability which can be threatening ‘especially when the stakes are high.’

There is also a lack of clarity as to the purpose of a SEA. According to the Msunduzi Municipality Environmental Manager (Respondent Two) there is a perception now that this document is going to 'lay down some very strict guidelines to what development will happen and where it will happen and how much of this site will be developed, however, people have to understand that in fact it's only one component out of a process, a primary component process will follow.' As noted in Http OECD (n.d.) a SEA with development co-operation can provide the environmental evidence to support more informed decision-making but not determine what exactly will take place.

A further misunderstanding is created due to the limited knowledge on the general objectives of a SEA. The SEA process produces a strategic document in which a holistic picture is created, which ultimately allows for more informed decisions to be made. For this very reason the Msunduzi Municipality Environmental Manager (Respondent Two) explains the nature of the SEA public participation process as having not gone into the kind of detailed public consultation that will come in any event with the EIA process for each of the proposed developments. The SEA process according to DEAT and CSIR (2000) incorporates strategic decision-making in conjunction with the concept of sustainability. However, the Environmental Consultant (Respondent One) observes that although a SEA allows for a more holistic view of the picture, by not looking at every development in isolation but rather collectively, there is always a criticism that a SEA does not go into sufficient detail. Therefore, SEA gets negatively framed by the community due to disagreement in the size of the SEA area.

#### **4.5.2 Learning Process**

The SEA, as rightly noted earlier, is the first of its kind within the Msunduzi Municipality. It therefore has been regarded as a learning process. The very idea that it was a learning process allowed the community to frame the SEA negatively. Certain respondents felt that the relevant authorities used the fact that this SEA process is a learning one to justify their mistakes or the way the SEA process unfolded. As the Msunduzi Municipality Environmental Manager (Respondent Two) explains this SEA 'has been a good exercise, out of which we've all learnt a lot from including DAEA and the communities but most importantly it has raised the profile of environmental issues within the city council'. Although the SEA process has been identified as a learning process it has ensured that conservation of natural areas be looked at and conserved. However, as noted by the ward councilor (Respondent Five) 'its all

well and good to say “Right we going to keep that as a green area”, and then nobody looks after that and then eventually it’s a disaster area.’ This SEA process is a process which one can learn from and as noted by the respondents all that is required is the need for a clear way forward given. This will ensure that whatever the decision may be the relevant authorities stick to the recommendations, in terms of proper maintenance and sustainability, rather than just overriding it as many respondents fear. This is when the issue of trust and the lack thereof becomes evident.

#### **4.5.3 Trust**

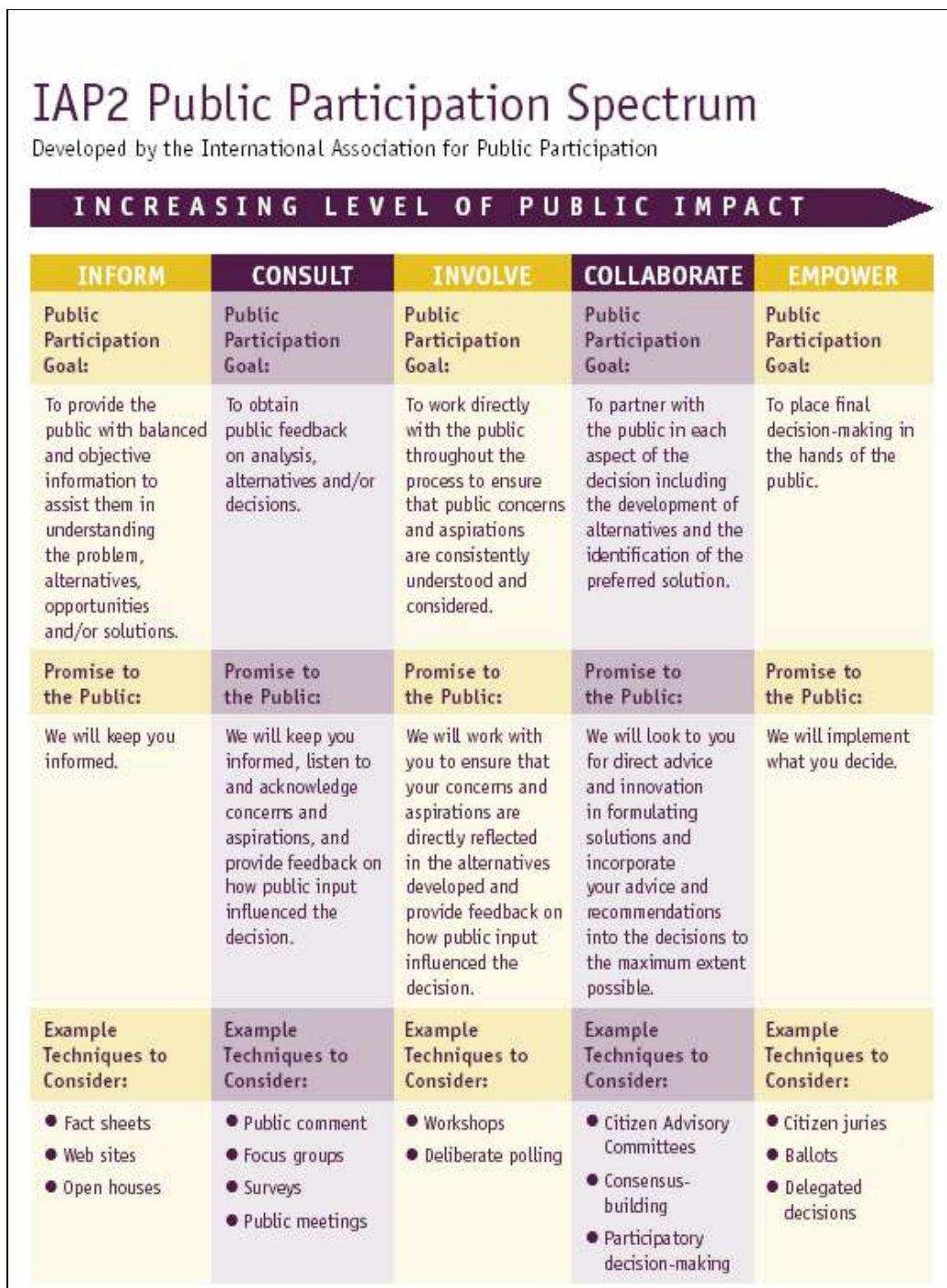
Trust is a theme that appears throughout this study. Trust issues revolved around the possibility that the community’s comments with regards to the SEA would be overlooked by the regulating authorities, the possibility that the community might be misrepresented by the dominant social movement within the area, and the possibly that there might be an element of bias due to the consultant being paid by the developers.

The issue that the community’s comments might not have been taken into consideration was discussed previously. However, lack of representation of the community by the social movement was also seen as an issue. According to the PMMBT Chairman (Respondent Three) the PMMBT, as a formally constituted organisation, represents a lot of people in the Ashburton area. When a local resident (Respondent Seven) was asked whether the community were part of the Trust, it was noted that they were not even aware that they were being represented yet they had been residing in the area for ten years.

The other issue raised with relation to bias proved to be the most dominant reason why there was a lack of trust. According to the PMMBT Chairman (Respondent Three) the SEA being paid for by the developers was seen as a total conflict of interest. As a result, in the Draft SEA document that has been published, the PMMBT says ‘All development proposals appear to be overlaid on the map of the area and said that those areas are suitable for the housing development’. However, both the ward councilor (Respondent Five) and the Head of Economic Development for the Msunduzi Municipality (Respondent Six) explained that ‘there will always be questions whether the person employed by the developer can act impartially but like with any professional job it shouldn’t matter whose paying you because you have a job to do and the fact that the consultants are reputed individuals who have been around a long time means that they are not going to compromise their name and their

reputation just because someone is paying them’. ‘A livable situation seems to have been reached’ and ‘their document shows their objectivity – I think 53% of the area was declared not developable- saying you will not develop here because of the conservation issues’ (Ward Councilor - Respondent Five; the Head of Economic Development for the Msunduzi Municipality - Respondent Six).

Trust appeared to be a major factor within this decision-making process as ‘although the project was identified up front, right at the beginning of the process it was advertised and so people had an opportunity to comment on the project upfront’, there was a lack of trust as to whether the community’s needs were going to be taken into consideration (Msunduzi Municipality Environmental Manager - Respondent Two). There are various levels or types of public participation that occur. The International Association for Public Participation illustrates (Figure 7, which is a detailed form of Figure 4) the spectrum of public participation.



**Figure 8: The IAP2 public participation spectrum (2000)**

According to information in Figure 7, public participation within the Draft MSC area SEA would occur in the consult stage as there was public feedback was allowed, public meetings were held and concerns and aspirations were discussed. The level of participation within this context as revealed by Figure 7 is very low. Public participation is a crucial element within a democratic country. However, practising a true democracy where public participation plays a

central role is more time-consuming than is acknowledged. According to the Head of Economic Development for the Msunduzi Municipality (Respondent Six) ‘Democracy is a wonderful ideal but it’s very tedious because the authorities are the ones that interface with the people and at the end of the day that’s what they are supposed to do as one can’t make decisions on behalf of the people any longer’.

#### **4.5.4 Education**

Education amongst the community and authorities was deemed to be another issue that allowed the SEA to be framed in a certain light, be it negative or positive. There are constraints which create a lack of ability to engage effectively. This is mainly due to unequal socio-economic levels and low literacy levels combined with language barriers (DEAT 2002). As noted by the Msunduzi Municipality Environmental Manager (Respondent Two) capacity is always important to develop especially within decision-making processes. ‘Attitude is embedded within society and it cannot be removed by legislation, rather it needs to be removed by education and by enlightening people so that their stance can be opened and so that everybody can feed in’ (PMMB Trust member - Respondent Four). An increase in education on the whole empowers individuals to make informed decisions. In the case of this SEA it is noted that at present only the educated few are responding. According to the PMMB Trust Chairman (Respondent Three) education should occur throughout the community because the only community members that responded to the SEA were almost only the PMMB Trust. However, the Head of Economic Development for the Msunduzi Municipality (Respondent Six) notes that through their experience individuals are much more likely to become educated and knowledgeable about these things by attending meetings and having a more hands on approach. The process of trying to go through a process of educating the community before they do something is often acknowledged to be costly and time-consuming.

#### **4.5.5 Social Need**

Due to South Africa’s notorious history of apartheid - which disallowed the majority to participate in the governance process - many steps have been taken since 1994 to move towards a country where good governance is practised. It is this situation of social need that is being seen at present within the Msunduzi Municipality. According to the Environmental Consultant (Respondent One) ‘the common good for the greatest amount of people is the primary driving force of governance in rapidly growing cities within South Africa and



Pietermaritzburg, especially if one looks at the legacy of the past. It is therefore noted that at present the imperatives really are to meet those people with the greatest needs which is for housing and employment'. Getting involved with public participation and allowing for good public participation processes to be adhered to promotes the voicing of the needs of the majority. However, as noted by DEAT (2002: 12) the 'level of support and engagement in environmental assessment and management may be low when the environmental agenda is seen to conflict with addressing pressing social development needs.' According to the Head of Economic Development for the Msunduzi Municipality (Respondent Six) Ashburton is on a development corridor that was identified through national studies and is part of the provincial development strategy that goes from eThekweni to Umgeni. This means that at present the environmental agenda is not a priority in comparison to the social and developments.

Although the great social need is being voiced amongst the authorities there is also an equally important environmental need that exists. 'The SEA has been inadequate in ensuring a balance between environmental and developmental concerns is achieved within the Msunduzi Municipality and the broader Durban – Howick corridor. Limited concern for the effects of development on the environment have been demonstrated, rather a development at all costs paradigm seems to be driving the manner in which the SEA has been prepared' (CEAD Masters Students 2007: 4). It is this very situation mentioned within the CEAD Master Students' report (2007) that if not checked will result in unsustainable development approaches continuing to shape the places we live in, with the profit motive of a few individuals steering the course of development priorities within our cities. It is acknowledged that there is an increasing need for housing as well as conservation within the Msunduzi Municipality, however, the regulating authorities need to be made more aware of the necessity of creating a balance between the interests of both the poor and the rich as well as between development and the environment.

#### **4.6 Summary**

In this study the legislation relating to public participation within the SEA process was examined. It was noted that there is no legislation as such but rather guidelines relating to general public participation practice. The public participation process was examined within the Draft Mkhondeni Stream Catchment area SEA to understand what was undertaken. The public participation process was then examined for its adequacy and was found to be inadequate in terms of meeting best practice principles. Lastly, an investigation was made to

understand how the SEA was framed and whether it may have had an effect on the public participation process. The major themes that emerged, which contributed to the framing of the SEA were: a lack of clarity on what a SEA is and its process, the fact that this particular SEA was a learning process, trust, education, and social need.

Best practice principles were used as a point of reference to determine the adequateness of the public participation process as there is no legislation in place. These best practice principles were taken from DEAT (2004) and promoted a context specific approach, transparency with all stakeholders and not just with the implementing agency, involving the public from the initial stages of the SEA, a clearly defined scope and purpose before the beginning of the SEA process, the development of capacity, training and decision-support systems as the process is relatively new. The minimum requirements with regards to public participation within an EIA process was also used as a point of reference to determine the adequateness of the MSC area SEA public participation process as it is the closest related environmental assessment tool. The minimum requirements were set out in the chapter two. It was determined in the introduction of this study that all the requirements of best practice and the minimum requirements for public participation within as EIA need not be met in full; however a the majority (over 50%) of the requirements should be met.

In its entirety, the public process in the Draft MSC area SEA, did not meet a majority of the minimum requirements of public participation as used within an EIA process and it also not meet a majority of the recommended best practice principles for a SEA process.

## **Chapter 5**

### **Conclusion and Reflections on the Public Participation Process**

#### **5.1 Introduction**

The examination of the public participation process within the Draft Mkhondeni Stream Catchment (MSC) area SEA was the basis of this study. In this section, firstly the results to be found in Chapter four will be reflected on in relation to the objectives; and secondly suggestions will be made on how the public participation process in the SEA can be strengthened. A set of four objectives were listed to examine the governance processes within the Draft MSC area SEA with particular reference to public participation. The first objective involved the examination of the public participation processes as articulated by the legislation. The second objective involved an investigation of the public participation processes of the Draft MSC area SEA in particular. The third objective was to determine whether the deliberation or public participation process was adequate. The fourth objective involved investigating how the Draft MSC area SEA was framed and reframed by key stakeholders. Lastly recommendations are made on how the public participation process may be strengthened.

#### **5.2 Reflections on Results found through this Study**

The first objective was to gain a better understanding of the legislation involved in the public participation process. This was achieved by looking at various literature sources pertaining to the public participation process, especially within the South African context, and by conducting interviews to gauge the level of understanding by people of the law pertaining to public participation. With regards to this objective it was noted that:

- The SEA process is not legislated and therefore there are no such public participation regulations within the SEA process for at present only recommendations direct the process. The fact that there are no legislated procedures in place as far as public participation processes go creates the main shortcomings within the Draft MSC area SEA. Due to there being a lack of legislature with regards to the public participation process within a SEA, many interviewees, within this study, were unclear about what exactly constitutes SEA public participation procedure. However the recommendations for best practice in a SEA was used as well as the public participation process within an EIA as it is the closest related legislated environmental assessment tool.
- The interviews that were conducted illustrated that there was a lack of knowledge with regards to the relevant public participation legislation available to I & APs and also a lack

of clarity on the SEA process. This uncertainty surrounding the SEA had negative impacts on some of the interviewees. It was noted that because of the lack of knowledge surrounding a SEA process some of the interviewees took a defensive stance as they were unsure of the exact proceedings, and they feared the unknown. It was, however, noted that in South Africa there is legislation within the confines of certain decision-making processes such as EIAs that promote good public participation processes. Within the draft SEA the public participation practices used were taken from that which would have been used within an EIA, as it was seen to be the closest legislated environmental assessment tool.

The second objective involved understanding the public participation processes within the Draft MSC area SEA. To achieve this objective the Draft MSC Area SEA document was examined and it can be noted that:

- The Draft Mkhondeni SEA report kept a record of all the public participation practices that were undertaken throughout the compilation of the report. The documenting of all proceedings does constitute good practice with regards to record keeping.
- Within the SEA a variety of public participation methods were used which involved among other things public meetings, advertisements in the local newspaper, and the creation of a steering committee. Although a number of various methods were used, it is still questionable whether the methods used are appropriate and most effective for ensuring that a reliable Draft MSC area SEA be done.
- The public participation process within this SEA received some negative response from the I & APs. One of the issues that was brought up was that of representation. It was felt that the members of the steering committee did not represent a full range of views or needs within the community affected. Another issue that was contested within the public participation process was that of the public meetings. It was noted that the public meetings were held at an inappropriate venue and time. This was a limiting factor for the individuals from the informal settlements and for the majority of workers on a minimum wage.

The third objective was to determine whether the deliberation or public participation process was adequate. Key stakeholder interviews formed the basis for carrying out this objective, and the results indicate that:

- The public participation process within the Draft MSC area SEA was considered to be inadequate in terms of SEA best practice.
- Within this SEA process a recurring issue was that of lack of representation. There should have been more done to ensure a better cross-section of the community were reached as opposed to just the regulating authorities and the PMMB Trust. In order for a good SEA to be conducted it ‘should involve the public and reflect the view of all actors’ (Partidário n.d). This further reinforces the criticism previously mentioned namely only the minimum requirements being met and best practice not being pursued. Although best practice, especially in terms of public participation, may be difficult it should be the main goal and every attempt ought to be made to get as close as possible to this goal. Best practice in public participation results in good governance practices.

The fourth objective was to investigate how the Draft MSC area SEA was framed and reframed by key stakeholders. It can be noted that:

- The data collected from the interviews resulted in various points of view being seen. The comments that were received from the respondents revealed certain themes such as a lack of clarity on what a SEA is and its process; the fact that this particular SEA was a learning process; trust around whether the communities voice would be heard; a lack of knowledge of legislation and practice with regards to a SEA and public participation; how to gain improved involvement within decision-making processes; and social needs such as job creation and housing within the Ashburton area.
- A common element found within all of the above themes is that of a negative nature. This negativity was seen to exist mostly due to the lack of clarity with regards to the SEA process in general and a growing environmental concern. As a result, most I & APs tended to frame the SEA in a negative way, while a few I & APs framed the SEA in a positive light due to the possibility of their allowing for the greatest good for the greatest number of people within the area.

### **5.3 Recommendations on how the Public Participation Process might be Strengthened**

In reflection on the public participation process and how it might have been strengthened, there are certain elements of the SEA process that could have been carried out more

efficiently to allow for increased participation and community representation. The 5 key points to emerge during the interviews were:

### **Involvement in the Formulation of the ToR**

- Within this SEA in general it was seen that there was need for a greater level of involvement by the greater community. Specifically, it was seen to be crucial for a wider spectrum of I & APs to be more involved in the formulation of the ToR. The ToR sets out the boundaries within the SEA study and must be carried out.

### **Identification of I & APs**

- There was an evident lack in breadth of the representation of views found within this SEA. A suitable identification process of I & APs or key parties is crucial to the success of any assessment. If a suitable plan is carried out for the identification of key parties, then a better cross-section of comments could be heard. One method that would have aided this SEA would be, for example, door-to-door advertising within the affected area by way of a pamphlet or word of mouth. Although time-consuming and expensive this method ultimately reduces conflicts that may emerge due to accusations of unfair representation or lack of adequate participation.
- The most vital element with regard to any assessment that incorporates public participation processes is that of attitude. A more open attitude allows for an increase in the lines of communication among all key parties. Within this SEA, although all I & APs were open to communicating and listening to one another, there was still an element of reluctance to allow for a compromise to be made. The regulating authorities have their mandates to meet and members of the PMMBT have their lifestyle and home environment to protect.

### **Feedback**

- A SEA 'should be seen as a learning process, recognising the principles of precaution and continuous improvement' (Partidário n.d.:14). Monitoring, evaluation, and feedback form a vital part of a SEA throughout its process and at the end. This SEA process needed to have a greater frequency of feedback throughout the process. It was observed that meetings were being held only when the need arose, which allowed the SEA to be framed in a negative light as the community felt they were being kept out of the information loop

or that their comments were not being taken into consideration. By incorporating feedback mechanisms into the process, future SEA endeavours in the Pietermaritzburg area and surrounds will be able to learn from and build on what this SEA has begun.

### **Capacity Building and Education needs**

- Although time-consuming and costly, capacity building and education within processes such as a SEA are highly beneficial. Within the Draft Mkhondeni SEA this element seemed to be left out from the overall SEA process. It was observed that I & APs were not told in sufficient detail as to what a SEA process entailed or how it differed from an EIA process. By incorporating capacity building within this SEA, more active participation within the process on the part of the community could have occurred.

### **Management of the SEA Process**

- The management of the SEA process in general proved to be the most problematic within the Draft Mkhondeni SEA. There should be better planning needs to be made in the public participation methods used. Those that are best suited for a particular area should be identified. Sufficient time needs to be allocated to the proper running of the process. In the management process there needs to be time set aside for proper evaluation, review, and comment from all I & APs to ensure best practice public participation processes are followed.
- The SEA process should be viewed as a process that deserves time, effort, and quality of information planning to be put into it as it will inform decision-making within the particular area. The result of this SEA process should be able to inform future SEA processes that may be conducted by being a model for future such processes. This would enable informed process to be followed.
- In the Draft MSC area SEA the public participation methods that were used were observed to be not as effective as hoped for and not in line with best practice. It is vital in a SEA that the public participation methods should be adapted to the needs of the particular area. With the case of this SEA the public meetings should have been situated at venues and times that are appropriate and accessible to the greatest number of community members. The best practice would be for the public meetings to be held within the area where the assessment is being conducted.

South Africa has made considerable progress socially, from its pre 1994 autocratic government, in terms of its constitution and legislation that increasingly promote democratic processes and greater public participation within decision-making processes. It is only through the allowance of public comment that the needs of the public will be made known. Development of jobs and housing within the Msunduzi Municipality proves to be the most pressing need at present. There needs to be a greater awareness of concepts such as sustainable development i.e. promoting development that plans for the future incorporating the social, political, economic, and environmental sectors, allowing for the needs of all four sectors to be met. As is interestingly noted by the Head of Economic Development for the Msunduzi Municipality (Respondent Six) 'As long as 70% of people in this country do not eat the rest of us 30% in this country will not sleep and therefore it is in our interests for everyone in this city development happens and for that we need to give up some of our space but most importantly do so in a reasonable manner.'



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Respondent Eight. Total Filling Station Manager. 2007. Interviewed on the 8/11/2007. Pietermaritzburg.

Respondent Nine. Kwikspar Manager. 2007. Interviewed on the 8/11/2007. Pietermaritzburg.

Respondent Ten. Ashburton Butchery Manager. 2007. Interviewed on the 8/11/2007. Pietermaritzburg.



## Appendix A

### Differentiating of responsibilities for different role-players in the stakeholder engagement process (DECAS 2001)

PRINCIPLE	IMPLICATIONS	KEY QUESTION
<b>SUBSTANTIVE/CONTENT PRINCIPLES</b>		
1. SEA is driven by the concept of sustainability.	<p>The focus of SEA is on integrating the concept of sustainability into the objectives and outcomes of plans and programmes.</p> <p>Sustainability objectives are applicable to the level, scale and sector of the plan or programme; as well as to the environmental resources to be sustained. The sustainability objectives should be developed with the participation of interested and affected parties.</p> <p>Targets and measurement tools are defined to guide development towards sustainability.</p>	How can the concept of sustainability be integrated into different levels of decision-making, within the spatial context of the plan or programme?
2. SEA identifies the opportunities and constraints which the environment places on the development of plans and programmes.	<p>The environmental resources needed to achieve the sustainability objectives are identified. These resources are maintained and enhanced through the plan or programme. The resources are prioritised through effective participation procedures.</p> <p>The environmental resources form the basis for the identification of opportunities and constraints, which guide the formulation of plans and programmes.</p>	What are the environmental resources which should be maintained and/or enhanced in the plan or programme?
3. SEA sets the criteria for levels of environmental quality or limits of acceptable change.	<p>The levels of acceptable change of the environmental resources are determined. This process reflects public views and scientific information.</p> <p>The plan or programme is developed in such a way as to maintain and enhance the level of environmental quantity and quality of these resources. This includes an iterative process of developing alternatives and predicting whether the resources will be maintained and enhanced.</p> <p>Management programmes are identified. These are implemented should the limits of acceptable change of the environmental resources be exceeded, or are threatened to be exceeded.</p>	What is the level of acceptable change of the environmental resources identified?
<b>PROCEDURAL PRINCIPLES</b>		
4. SEA is a flexible process which is adaptable to the planning and sectoral development cycle.	<p>SEA is integrated into existing processes for plan and programme formulation and implementation.</p> <p>There is not one SEA process to be used in all contexts, but different processes for various contexts and strategic tasks.</p> <p>The focus is on understanding the context-specific decision-making and plan or programme formulation procedure. The objectives of sustainability are then integrated into this process at key decision points, throughout the various levels and scales of plan and programme development. The SEA consistently interacts with the plan and programme procedure in an iterative way.</p>	How can sustainability objectives be integrated effectively into existing context-specific processes for plans and programmes?

PROCEDURAL PRINCIPLES		
5. SEA is a strategic process, which begins with the conceptualisation of the plan or programme.	SEA introduces sustainability objectives at the earliest stage in the plan or programme process; from conceptualisation through to the many stages of decision-making.	How can sustainability objectives be integrated into the plan or programme, starting from the stage of conceptualisation?
6. SEA is part of a tiered approach to environmental assessment and management.	SEA addresses higher levels of decision-making in order to provide the context for lower levels (Figure 2).  Linkages are established between the various levels of decision-making.	What are the plans or programmes which influence the maintenance and enhancement of the environmental resources identified?
7. The scope of an SEA is defined within the wider context of environmental processes.	SEA is not limited to a particular site, but considers significant local, regional, national and international linkages.	What are the political, socio-economic, and biophysical processes influencing the maintenance and enhancement of the environmental resources identified?
8. SEA is a participative process.	Participation processes are adapted to the specific socio-political context of the plan or programme.  The public participation process should inform and enhance the entire SEA process, in particular the scope and sustainability objectives of the SEA.	What level and type of participation is most appropriate to enable roleplayers to engage in the process at a level that is appropriate to their needs and resources?
9. SEA is set within the context of alternative scenarios.	Scenarios, visions and alternative plan and programme options are developed in a participatory way.  Alternative plans and programmes are evaluated in terms of their ability to maintain and enhance the environmental resources identified.	What plan and programme alternatives will most effectively maintain and enhance the environmental resources identified?
10. SEA includes the concepts of precaution and continuous improvement.	A risk-averse and cautious approach is applied, which recognises the limitations of current knowledge about the consequences of decision-making. This approach should be linked to a commitment to continuous learning and improvement. This link between a cautious approach and continuous learning contributes to an increasing understanding of sustainability for a region or sector.  SEA must lead to a process for: <ul style="list-style-type: none"> <li>● monitoring and continuous improvement;</li> <li>● improvement of baseline information; and</li> <li>● understanding of sustainability objectives.</li> </ul>	What mechanism for the monitoring and evaluation of sustainability should be integrated into the plan or programme?

## Appendix B

The principles, their implications and key questions for SEA

(DEAT and CSIR 2000)

PRINCIPLE	IMPLICATIONS	KEY QUESTION
<b>SUBSTANTIVE/CONTENT PRINCIPLES</b>		
1. SEA is driven by the concept of sustainability.	<p>The focus of SEA is on integrating the concept of sustainability into the objectives and outcomes of plans and programmes.</p> <p>Sustainability objectives are applicable to the level, scale and sector of the plan or programme; as well as to the environmental resources to be sustained. The sustainability objectives should be developed with the participation of interested and affected parties.</p> <p>Targets and measurement tools are defined to guide development towards sustainability.</p>	How can the concept of sustainability be integrated into different levels of decision-making, within the spatial context of the plan or programme?
2. SEA identifies the opportunities and constraints which the environment places on the development of plans and programmes.	<p>The environmental resources needed to achieve the sustainability objectives are identified. These resources are maintained and enhanced through the plan or programme. The resources are prioritised through effective participation procedures.</p> <p>The environmental resources form the basis for the identification of opportunities and constraints, which guide the formulation of plans and programmes.</p>	What are the environmental resources which should be maintained and/or enhanced in the plan or programme?
3. SEA sets the criteria for levels of environmental quality or limits of acceptable change.	<p>The levels of acceptable change of the environmental resources are determined. This process reflects public views and scientific information.</p> <p>The plan or programme is developed in such a way as to maintain and enhance the level of environmental quantity and quality of these resources. This includes an iterative process of developing alternatives and predicting whether the resources will be maintained and enhanced.</p> <p>Management programmes are identified. These are implemented should the limits of acceptable change of the environmental resources be exceeded, or are threatened to be exceeded.</p>	What is the level of acceptable change of the environmental resources identified?
<b>PROCEDURAL PRINCIPLES</b>		
4. SEA is a flexible process which is adaptable to the planning and sectoral development cycle.	<p>SEA is integrated into existing processes for plan and programme formulation and implementation.</p> <p>There is not one SEA process to be used in all contexts, but different processes for various contexts and strategic tasks.</p> <p>The focus is on understanding the context-specific decision-making and plan or programme formulation procedure. The objectives of sustainability are then integrated into this process at key decision points, throughout the various levels and scales of plan and programme development. The SEA consistently interacts with the plan and programme procedure in an iterative way.</p>	How can sustainability objectives be integrated effectively into existing context-specific processes for plans and programmes?

PRINCIPLE	IMPLICATIONS	KEY QUESTION
<b>PROCEDURAL PRINCIPLES</b>		
5. SEA is a strategic process, which begins with the conceptualisation of the plan or programme.	SEA introduces sustainability objectives at the earliest stage in the plan or programme process; from conceptualisation through to the many stages of decision-making.	How can sustainability objectives be integrated into the plan or programme, starting from the stage of conceptualisation?
6. SEA is part of a tiered approach to environmental assessment and management.	SEA addresses higher levels of decision-making in order to provide the context for lower levels (Figure 2).  Linkages are established between the various levels of decision-making.	What are the plans or programmes which influence the maintenance and enhancement of the environmental resources identified?
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8. SEA is a participative process.	Participation processes are adapted to the specific socio-political context of the plan or programme.  The public participation process should inform and enhance the entire SEA process, in particular the scope and sustainability objectives of the SEA.	What level and type of participation is most appropriate to enable roleplayers to engage in the process at a level that is appropriate to their needs and resources?
9. SEA is set within the context of alternative scenarios.	Scenarios, visions and alternative plan and programme options are developed in a participatory way.  Alternative plans and programmes are evaluated in terms of their ability to maintain and enhance the environmental resources identified.	What plan and programme alternatives will most effectively maintain and enhance the environmental resources identified?
10. SEA includes the concepts of precaution and continuous improvement.	A risk-averse and cautious approach is applied, which recognises the limitations of current knowledge about the consequences of decision-making. This approach should be linked to a commitment to continuous learning and improvement. This link between a cautious approach and continuous learning contributes to an increasing understanding of sustainability for a region or sector.  SEA must lead to a process for: <ul style="list-style-type: none"> <li>• monitoring and continuous improvement;</li> <li>• improvement of baseline information; and</li> <li>• understanding of sustainability objectives.</li> </ul>	What mechanism for the monitoring and evaluation of sustainability should be integrated into the plan or programme?

## **Appendix C**

### **Interview Schedule**

#### **Governance**

What do you understand by the concept of governance?

How far do you think we are from achieving governance if we have not already done so?

#### **1) To articulate the legislation that governs the public participation process**

What do you understand by public participation?

Are you aware of the allowances that the legislation/DEAT supplies for PPP?

#### **2) To understand the public participation processes of the Mkhondeni Stream Catchment Area SEA**

What do you understand by Strategic Environmental Assessments (SEAs)?

Did you hear about the Mkhondeni Stream Catchment Area SEA – if yes how?

What is your opinion on the general process in which the SEA was carried out?

#### **3) To determine whether the deliberation or public participation process was adequate**

In your opinion was there sufficient Public Participation, why?

What would you change within the PPP if you could?

#### **4) To investigate how the Mkhondeni Stream Catchment Area SEA was framed and reframed by key stakeholders**

After the 1<sup>st</sup> public meeting did you understand what was taking place?

According to your understanding why was an SEA taking place?